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A BRIEF NARRATIVE

OF THE

PROCEEDINGS

OF THE GOVERNMENT OF

NEW-YORK,

RELATIVE TO THEIR OBTAINING THE JURISDICTION OF THAT

LARGE DISTRICT OF LAND,

TO THE WESTWARD FROM

CONNECTICUT RIVER,

Which, antecedent thereto, had been patented by his Majesty's Governor and Council of the Government of

NEW-HAMPSHIRE.

AND ALSO,

Of the monopolizing Conduct of the Government of *New-York*, in their subsequently patenting Part of the same Land, and oppressing the Grantees and Settlers under *New-Hampshire*.

TOGETHER WITH

Arguments demonstrating that the Property of those LANDS was conveyed from the Crown to the *New-Hampshire* Grantees, by Virtue of their respective Charters.

WITH

REMARKS on a Pamphlet entitled, "A State of the Right of the Colony of *New-York*," &c. and on the Narrative of the Proceedings subsequent to the royal Adjudecation, concerning the Lands to the Westward of *Connecticut* River, lately usurp'd by *New-Hampshire*. Intended as an Appendix to the General Assembly's State of the Right of the Colony of *New-York*, (with Respect to it's Eastern Boundary on *Connecticut* River, so far as concerns the late Encroachments under the Government of *New-Hampshire*) published at their Session, 1773.

By ETHAN ALLEN.

BENNINGTON, 23d September, 1774.

HARTFORD:

Printed by EBEN. WATSON, near the Great Bridge.

A NARRATIVE, *&c.*

LIEUTENANT Governor *Colden* repreſented to his Majeſty and Privy Council, that it would be greatly to the Advantage of the Inhabitants of the Diſtrict of Land to the Weſtward of *Connecticut* River, which had been granted by the Government of *New-Hampſhire*, to be under the Juriſdiction of the Province of *New-York*, and that *Connecticut* River was a good and certain Boundary line to divide the reſpective Provinces; and furthermore, that *Hudſon's* River was navigable a great Way into the Country; and that the Situation of the *New-Hampſhire* Grants was ſuch as would naturally conſtitute that River the Centre of Trade and Commerce, for the Inhabitants of thoſe Grants; by the Navigation of which they could eaſily ſend Exports to the City of *New-York*, and

and receive and return such Articles as they needed: And that it would therefore be much more convenient and happy for them to be under the Jurisdiction of *New-York*, &c.

With Respect to the Southwest Part of the District of Land aforesaid it must be confessed that *Hudson's* River must "constitute the Centre of "Trade," &c. to the Inhabitants thereof. But Three Qurters or more of that District of disputed Lands, from the Contiguousness thereof to Lake Champlain, and remote Situation from *Hudson's* River, equally constitute Lake Champlain, Montreal, &c. the Centre of Trade for its Inhabitants. ---Further more, it is no Way incompatable, provided the Inhabitants of the Southwest Quarter of the District aforesaid should Trade at *New-York*, although they may be supposed to be under the Jurisdiction of *New-Hampshire*. The following Exhibitions, will undoubtedly convince the impartial Reader that the said Inhabitants would be under vastly greater Advantage, to trade at *New-York*, or any where else, on Proviso they should be re-annexed to the Government of *New-Hampshire*; for then they would peaceably enjoy the Right of soil of Lands they possess, which, under the Jurisdiction of *New-York* they cannot. A Number of Families that have spent their Substance in purchasing Lands of the Government of *New-Hampshire*, and in removing from a great Distance to the Premises, and in making Improvements thereon; provided they should be disinherited, would make a very indifferent Figure trading at *New-York*.

His

His Majeſty, ever graciouſly diſpoſed to promote the Intereſt and Good of his Subjects, and viewing the Eſtabliſhment of the juriſdictional Line between the reſpective Governments, as not interfering with the private Property of his Subjects, and in this View of the Caſe, perceiving a manifeſt Convenience, at leaſt for a Part of that Diſtrict, to be annexed to the Province of *New-York*; and the Government of *New-Hampſhire* not being notified of Tryal (which is ſuppoſed to be owing to the Neglect of their Agent) by which Means his Majeſty and Council could have no Information but from the Repreſentations from *New-York*; came to a Determination of the juriſdictional Line *Exparte*; which is probably the Cauſe why it extended ſo far Eaſt as the weſt Banks of *Connecticut* River. This Event proved exceeding unfortunate to the *New-Hampſhire* Settlers: From which they may compute the Date of their Oppreſſion from the Government of *New-York*: this put it in the Power of that crafty, deſinging, & monopolizing Government, to exerciſe that Uſurpation towards the Inhabitants aforeſaid, exhibited in the following Sheets.

No ſooner had *New-York* obtained the Juriſdiction, than Governor *Colden* began to Patent, to certain celebrated Attornies and principal Gentlemen in the Province, the very Lands on which the *New-Hampſhire* Settlers dwelt; and it is a more inexcuſable and complicated Wickedneſs in Governor *Colden*; inaſmuch as but a little before he perſwaded his graciouſly diſpoſed Majeſty into an Opinion

that

that it would be for the Advantage and Happineſs of the Settlers aforeſaid to be under the Juriſdiction of *New-York*. A complaint of the Conduct of the Government of *New-York*, relative to their laying Patent upon Patent, as aforeſaid, being laid before his Majeſty, who with the Advice of his Privy Council was graciouſly pleaſed to prohibit the Government of *New-York* from Patenting any of the ſaid Diſtrict of Land patented by the Governor of *New-Hampſhire* as aforeſaid, on Pain of his Majeſty's higheſt Diſpleaſure. Notwithſtanding, the ſame Lieutenant Governor *Colden*, Governor *Dunmore*, and Governor *Tryon*, have, each and every of them, in their reſpective Turns in the Adminiſtration, preſumed to violate the ſaid Royal Command, by Patenting to certain of their own Favourites and Gentlemen of Influence, ſundry valuable Tracts of Land contained in, and belonging to the prohibited Premiſes; the moſt of which Land being at the Time of patenting in actual Poſſeſſion and Occupancy by People claiming the ſame Lands by Virtue of prior Patents from the Government of *New-Hampſhire*.

NEXTLY, in the Courſe of this Narrative it is neceſſary to take a retroſpective View to July Term, in the Year 1769, at which the Claimants under *New-York*, being Non-reſidents, brought Actions of Ejectment in the Supreme Court againſt ſundry of the Claimants under *New-Hampſhire*, who were in actual Poſſeſſion of the conteſted Premiſes: but part if not all of the Judges and Attornies being intereſted in the ſaid ſubſequent Patents

tents from the Government of *New-York*, and fome of the principal Attornies, Patentees of the identicalPatents then on Tryal. And the Plaintiffs appearing in great Faſhion and State, which, together with their Fraternity of Land-monopolizers, made a briliant Appearance. But the Defendants appearing in but ordinary Faſhion, having been greatly fatigued by hard Labour, wrought on the diſputed Premiſes, made a very diſproportionable Figure at Court; and, in fine, Intereſt, Connection, and Grandeur, eaſily turned the Caſe againſt the forlorn Defendants: The whole Diſtrict of Inhabitants were greatly alarm'd at theEvent that had begun to take Place, were in great Conſternation, each Individual reading his own intolerable Diſtruction from that which had already began.

STILL there was more Actions of Ejectment commenced againſt ſundry of the Inhabitants, and the Sheriff of Albany County, by ſpecial Order from the Governor, was raiſing the Militia of the County to diſpoſſeſs the Defendants aforeſaid, of their Tenements. This was a moſt melancholy Scene—Women lamenting over their Children, and they crying; and Men pierced to the Heart with the moſt pungent Grief and Affection for them, and bitter Indignation at the approaching Tyranny of *New-York*. And what renders the Reflection of the Conflict more doleful, is the Conſideration of the extreme Fatigue, Hunger, and infinite Hardſhips the Inhabitants had undergone in the Settlement and Cultivation of a Wilderneſs Country: It ſtill adds a twinge to the Smart to

take

take a retroſpect on the Interim; and view the Attornies and wealthy Gentlemen in the Province (and moſt of them in the City) of *New-York* "which fared ſumptuouſly every Day" peruſing the old obſolete and abdicated Charter from King Charles to the Duke of York, and inſpecting into the *Cabots* and *Hudſon's* exploring this Continent; and withal, inſpecting cloſely, whether in ancient Time ſome Dutchman had not Poſſeſſion of ſome part of the abdicated Premiſes; and by ſuch round-about and falacious Pretences of deducing a Title, planing the Ruin of the Inhabitants aforeſaid.----But to return to the Sheriff and the Poſſe of *Albany* County, who were in motion to diſpoſſeſs the Inhabitants, Defendants aforeſaid, and deliver their Tenements to the Claimants under *New-York*. The Inhabitants being thus drove to the Extremity of either quiting their Country and Poſſeſſions, or make forceable Oppoſition to the Sheriff and Poſſe. In this State of Deſperacy they put on Fortitude, and choſe the latter Expedient, and managed with that Oeconomy that they defeated the Sheriff in diſpoſſeſſing them, without Bloodſhed: Though it ſhould be confeſſed that this Event was but partly owing to the Fortitude of the Inhabitants; the greateſt Reaſon was this, the People of the Government in general (but particularly thoſe that compoſe the Poſſe of the ſaid County of *Albany*) were fully perſwaded and conſcious, that the Cauſe of the Inhabitants was juſt; and that the *New-York* Patentees was Oppreſſive and unjuſt: And therefore they would not hazard their lives to defend

them

them in ſuch an Uſurpation of the Rights of their fellow Men.

THERE had before this time been ſeveral leſſer Combinations of the People of thoſe Grants to defend their Perſons and Properties from the Encroachments of *New-York*, which by them are called by the opprobrious Names of Riots, Mobs, Rebellion, Felony, &c.---After the ineffectual Muſter of the Poſſe, the Land-Monopolizers in the Colony of *New-York*, adopted different Meaſures to accompliſh their Deſigns; perceiving they could not raiſe a Militia, that would Fight for the Title of their Subſequent Patents; and they being a cringing, fawnig, deceitful Fraternity; not enured to the Horrors of War, or any thing Heroic, durſt not Fight for their own Claims: Their accuſtomed Way, to carry Paints, being to deceive, cheat and over reach the Commonality of their Species, under a Pretence of Law, Juſtice, good Government, and a great pretended Zeal of Loyalty, &c. They were therefore obliged to follow their old beaten Road of Politics, and by their Influence, cauſed to be indicted as Rioters, every of the moſt bold, ſpirited and leading Men, who were active in defending either their Country or their ſelves, againſt their moſt egregious and intreiguing Wiles; hopeing to make ſuch an Example of them thereby as to frighten the Reſt into their deſpotic Meaſures.---The Inhabitants in general viewing this to be their Policy, guarded againſt it, and were active in defending themſelves, their Friends and Neighbours ſo indicted, being fully perſwaded that the

Fraternity of *New-York* Patentees were the Fomenters and Planers of thoſe Indictments; and that they eventually, by ſuch Stratagems, deſigned to avail themſelves of the Fee-ſimple of the Lands which they, the aforeſaid Inhabitants poſſeſſed. And as for the *New-York* Patentees, and ſuch part of the Authority and People as they could Influence, they were active, endeavouring by all and every Method to apprehend the Rioters (ſo called) and puniſh them as Criminals: The Struggles that enſued between the Parties relative to taking and defending Rioters, terminated in Wrath, Strife, and Ill-Will: The Conſequences ariſing therefrom, (which are too prolix to be inſerted) are very ingeniouſly ſummed up in theſe Words, "Where Envying and Strife is, there is Confuſion and every Evil Work." Tho' it is common (and almoſt without Exception) for both Parties to be more or leſs blameable in ſo long and ſpirited a Controverſy; yet in the Inſtances before us, it is beyond Diſpute certain, that the Yorkers act offenſively, and the *New-Hampſhire* Settlers defenſively, which will more fully appear.

But to ſhorten this Narration, and yet make it intelligible, and exhibit to View, that thoſe Gentlemen intereſted in the Lands contained in the *New-Hampſhire* Grants, by ſubſequent Patents from the Government of *New-York*, have extended their Influence into the General Aſſembly of the Government, and ſway that whole Legiſlative Body; the following Votes and Proceedings of that Aſſembly are here tranſcribed;

and

and alſo, the Votes and Proceedings of the General Committee for the Inhabitants of the *New-Hampſhire* Grants, in Anſwer thereto: And likewiſe, the Acts paſſed by the Legiſlative Body aforeſaid, the 9th of March Ultimo, and Remarks on the ſame; which here follow in their order, as they were publiſhed in ſundry public News-Papers in *America*.

From the *New-Hampſhire* Gazette, No. 914.

"*At a General Meeting of the Committee for the ſeveral Townſhips on the Weſt Side of the Range of Green Mountains granted under the Great Seal of the Province of* New-Hampſhire, *held at the Houſe of Mr.* Elakim Wellers *in* Manchester, *on the 1ſt Day of March, A. D.* 1774; *and afterwards, by Adjournment, at the Houſe of Capt.* Jehiel Hawley, *in* Arlington, *on the third Wedneſday of the ſame Month; at which ſeveral Times, and Places, the* New-York *Mercury No.* 1163, *was produced; which contains an Extract from the Votes and Proceedings of the General Aſſembly of the Colony of* New-York, *which is as follows, viz.*

"DIE SABBATI, 10 Ho. A. D. 5th February, 1774.

"Mr. *Braſſe*, (in behalf of Mr. *Clinton*, Chairman) from the Grand Committee, reported, that he was directed by the ſaid Committee, to make the following Report to the Houſe, viz. That the ſaid Committee having taken into Conſideration, the Petition of *Benjamin Hough*, in behalf of himſelf,

ſelf, and many of his Majeſty's Subjects, inhabiting the County of *Charlotte*, and the North-Eaſtern Diſtrict of the County of *Albany*; complaining of many Acts of Outrage, Cruelty, and Oppreſſion, committed againſt their Perſons and Properties by the *Bennington* Mob, and the Dangers and Injuries to which they are Daily expoſed, and imploring that this Houſe will take them under their Protection, and ſecure them againſt future Violence; and the ſaid Committee, having alſo duly conſidered the ſeveral Proofs and Depoſitions preſented in ſupport of the Truth of the ſaid Petition, do therefore Reſolve,

" 1, That it appears to this Committee, that there at preſent prevails in part of the County of *Charlotte*, and in the North-Eaſtern Diſtrict of the County of *Albany*, a dangerous and deſtructive Spirit of Riot and Licentiouſneſs, ſubverſive of all Order and good Government; and that it is become an intolerable Grievance, which requires immediate Redreſs.-----

" 2, Resolved, That it appears to this Committee, that many Acts of Outrage, Cruelty, and Oppreſſion have been there perpetrated by a Number of lawleſs Perſons, calling themſelves the *Lexington* Mob, who have ſeized, inſulted, and terrified ſeveral Magiſtrates and other civil Officers, ſo that they dare not exerciſe their reſpective Functions, riſqued Priſoners for Debt, aſſumed to themſelves military Commands, and judicial Power, burned and demoliſhed the Houſes and

and Property, and beat and abuſed the Perſons of many of his Majeſty's Subjects, expelled them from their Poſſeſſions, and put a Period to the Adminiſtration of Juſtice, and ſpread Terror and Deſtruction through that Part of the Country which is expoſed to their Oppreſſion.

" 3, RESOLVED, That it is the Opinion of this Committee, that the Complainants before this Houſe and others, who inhabit Part of that Colony, and from Reſpect to Government, will not countenance or be concerned in the ſaid riotous Proceedings, are expoſed from the Violence of the Rioters to eminent Danger, both in Perſons, and Properties, and that they ſtand in Need of immediate Protection and Succour.

" 4, RESOLVED, That it appears to this Committee, that *Ethan Allen*, *Seth Warner*, *Remember Baker*, *Robert Cochran*, *Peleg Sunderland*, *Silvanus Brown*, *James Breakenridge*, *and John Smith*, are principal Ring-Leaders of, and Actors in the Riots and Diſturbances aforeſaid, and that it is therefore the Opinion of this Committee, that an humble Addreſs be preſented to his Excellency, deſiring that He would be pleaſed to iſſue a Proclamation, offering a Reward of Fifty Pounds for apprehending and ſecuring any or either of the Perſons above named, in his Majeſty's Goal in *Albany*; and commanding the Magiſtrates, and other Civil Officers of the Counties of *Albany* and *Charlotte*, to be active and vigilent in ſuppreſſing the ſaid Riots, and preſerving the Public Peace and

and good Order, as well as for bringing to Juſtice the Perpetrators and Authors of ſaid Riots.

" 5, RESOLVED, That it is the Opinion of this Committee, that a Bill be brought in, more effectually to ſuppreſs the ſaid riotous and diſorderly Proceedings, maintain the free Courſe of Juſtice, and for bringing the Offenders to condign Puniſhment; which Report he read in his Place, and afterward delivered it in at the Table, where the ſaid Reſolutions were ſeverally read a Second Time, Reſolved that this Houſe doth agree with the Committee in their ſaid Reſolutions.

" ORDERED, That a Bill be brought in, purſuant to the laſt Reſolution, and that Mr. *Bruſh*, and Col. *Ten Broeck*, prepare and bring in the ſame. Ordered, That Capt. *Delancey* and Mr. *Walton*, wait on his Excellency the Governor with the foregoing Addreſs and Reſolutions of the Houſe."

Mr. *Nathan Clark*, Chairman of the Committee of the *New-Hampſhire* Settlers aforeſaid, ordered the Clerk to read the Reſolves and Votes aforeſaid, to the general Committee, which was accordingly read ſundry Times, and the following Draught being preſented in Anſwer thereto, to the Publick Meeting; Seven Perſons were ſelected and choſen out of the ſaid general Committee, to examine the ſame, and report their Opinion thereon, which here follows.

" WHEN we conſider the numberleſs Troubles, and

and almoſt inſurmountable Difficulties which our infant Settlements have been forced to ſtruggle with, ſince its firſt Beginning, which have been occaſioned by an unequal and biaſſed Adminiſtration of Law, ever ſince our unhappy Misfortune of being annexed to a Government in which the Intereſt of the greater Part of the leading Gentlemen thereof are in direct Oppoſition to our's. The tyrannical Meaſures they take to enſlave us, (we hope) will not fail to juſtify us in the following Arguments and Reſolves thereon; for we think it an intolerable Hardſhip, and Piece of inhuman Cruelty, that we cannot be ſaid to give ſufficient Proof of our Loyalty and Obedience to Government but at the Reſignation of our whole Fortunes, in the Purchaſe and Improvement of which, we have ſuffered an Infinity of Hardſhips. Yet, at the ſame Time, impreſſed with a Senſe of Gratitude, we return our thankful Acknowledgment to thoſe worthy Gentlemen, Governor *Tryon*, and ſundry of His Majeſty's honorable Council, for the Province of *New-York*, for their ſignal Favours to us in ſome Time paſt; which has, in ſome Degree, alleviated and ſupported us, under our heavy Troubles and Oppreſſions. But when we conſider that his Excellency is about to embark for *Great-Britain*, and while we view the Spirit of the General Aſſembly, in their Reſolves; we cannot but reflect with ſome Regret, on what may of Conſequence prove the Reſult (without an Alteration) of their preſent Opinion; but there

are

are ſcarce any Circumſtances that entirely exclude Hope; therefore we are not yet in total Diſpair: For this Moment we happily call to Mind, that the General Aſſembly of the ſame Province, about two Years ago, did annex all that Part of the *Bay* Province, Weſt of *Connecticut* River, to that UNLIMITED County of *Albany*; but their avaricious Grappling not being of a ſufficient Strength for ſuch an unreaſonable Burthen, it failed, by which they loſt their ideal Booty.

" The candid Reader will doubtleſs obſerve, that in the Reſolves of the Aſſembly aforeſaid, there is not a ſingle Word mentioned in Regard to the Title of the Land conteſted for, but that they level all their Spleen, and point all their Malice at notorious Rioters, as they call them, and make a pretended Shew and Figure, as though they were great Sticklers for good Order and Government; although at the ſame Time every Perſon of common Senſe, who has had any Acquaintance and Knowledge of the Controverſy, abſolutely knows, that our goodly Land, with the Labour thereon, is the only ſubject Matter, and grand Object of the whole Controverſy; and give the *New-Yorkers* but that, and the Matter would be accompliſhed to their eternal Satisfaction; and it is preſumed the Words Riotous, Diſorderly, Licentious, &c. would not be printed again on account of the *New-Hampſhire* Grantees and preſent Occupants, for the whole Courſe of the ſucceeding Century.

" For

" For the Truth of the Caſe is, the Executors of the Law, are moſt (if not all) of them the pretended Claimants to the Lands whereon the *New-Hampſhire* Grantees and Occupants dwell, and their Judgments on Writs of Ejectment, brought by the *New-York* Patentees, have not hitherto failed to correſpond with their imaginary Intereſts; but were they honeſt Men they would not undertake to be Judges in their own Caſe, or in any other wherein the Reſolution thereof would make a Preſident, for their own, eſpecially in Title of Land wherein Judge and Plaintiff are connected in one common Intereſt: ſuch a Diſtribution of Law is contrary to the Law of Reaſon and Nature.—

" Therefore our Caſe ſtands thus, if we ſubmit to their Execution of Law, and become obedient and ſubmiſſive Subjects of their deſigning Government, we muſt ſoon yield to be their Tenants and Slaves; and we cannot ſee Reaſon to conform to any Law, or ſuch Branches of it, as will apparently bring us and our Poſterity into Bondage, or manifeſtly deprive us of our Property; but inaſmuch as we boldly adhere to the Maintenance of our Property, which to us is very precious, as it would be to the *New-Yorkers*, was it in their hands; we find it is immediately recommended to the Governor of the Province by the General Aſſembly, to iſſue his Proclamation, Offering therein large Sums of Money to apprehend thoſe notorious Rioters

Rioters (as they are pleased to stile them) but any one who has had Opportunity to read the Stipulation and particular Articles of the public Faith, pledged by the Government of *New-York* to the *New-Hampshire* Grantees and Settlers, dated in July Anno Domini 1772, will immediately find a sufficient Reason for the Governor's not signing such a Proclamation; for it must indeed be shocking to common Sense when the Reader comes to observe what notorious Complaints, and most horrid Accusations are set forth in the Resolves of the General Assembly of *New-York*, mentioned in the fore Part of this Paper, against Thousands of hard labouring, industrious, honest Peasants, who are in Truth loyal Subjects of the Crown of Great-Britain, for their Violations of Law and Government; when at the same Time the following express Orders from his Most Sacred Majesty, to that litigious Government of *New-York*, will plainly shew that they do not make the least Hesitation, to rebel and act in direct Opposition to the Authority of the Crown, when (as in the present Case) they shew a Disposition to take Advantage of the minor Part of those under their Government; and throw them into Contention and Disorder; and thereby build their Fortunes on the Ruin of the pretended Aggressors; and all under the specious Pretence of good Order and Government which is in Fact what they eventually aim at, as will appear by the following Order.

" *At the Court at St. James's, the 24th Day of July, 1767.*

PRESENT,

The KING's Most Excellent Majesty,

Archbishop of *Canterbury*,	Earl of *Shelburne*,
Lord *Chancellor*,	Viscount *Falmouth*,
Duke of *Queensbury*,	Viscount *Barrington*,
Duke of *Ancaster*,	Viscount *Clarke*,
Lord *Chamberlain*,	Bishop of *London*,
Earl of *Litchfield*,	Mr. Secretary *Conway*,
Earl of *Bristol*,	*Hans Stanley*, Esq;

" The Petition and Report thereon by the Lords of Trade and Plantation Affairs, is too prolix to be inserted in this Paper, the royall Order is therefore only transcribed which is as Follows.

" His Majesty taking the said Report into Consideration, was pleased, with the Advice of his Privy Council, to approve thereof, and doth hereby strictly charge, require and command, that the Governor or Commander in Chief of his Majesty's Province of *New-York*, for the Time being, do not upon Pain of his Majesty's highest Displeasure, presume to make any Grant whatsoever, of any Part of the Lands described in the said Report, until his Majesty's further Pleasure shall be known concerning the same.

A true Copy,

WILLIAM SHARPE,

Attest

GEO. BAWER, *Dep. Sec'ry.*

" How-

"NOTWITHSTANDING this Prohibition, and one or two more of the ſame general Import, and from the ſame Authority, the Government of *New-York* have lapped their Patents on the *New-Hampſhire* Charters, and in Conſequence thereof demand at Common Law, the Lands on which the *New-Hampſhire* Grantees and Occupants dwell; and from hence has ariſen the numerous Troubles and Diſturbances, between the Government of *New-York*, and its diſcontented Subjects, the Settlers under *New-Hampſhire*. This has alſo been the Source of all Licentiouſneſs and Confuſion, Riotouſneſs, &c. complained of by that Government, againſt the Settlers aforeſaid.

"AND whereas the true State of our Grants hath been already laid before the worthy Lords of the Board of Trade and Plantation, and they having conſidered, and wiſely deliberated upon its ſeveral Circumſtances, did on the Third Day of December, A. D. 1772, make their Report in Favour of the *New-Hampſhire* Grantees, to his moſt Gracious Majeſty, whoſe Royal Confirmation we daily expect, and on the Credit and good Faith of this Report, many Hundreds of induſtrious (and many of them wealthy) Families, have purchaſed and moved upon the *New-Hampſhire* Grants, nothing doubting of that Title.

"WE therefore humbly report to the ſaid General Committee of the *New-Hampſhire* Grants, as our Opinion, 1. That as we ever have, ſo for the future we will remain loyal and dutiful Subjects,

to

to our moſt rightful Sovereign *GEORGE* the Third, and demean Ourſelves agreeable to the good and wholeſome Laws of the Realm, and fight for the Honour and Dignity of his Majeſty's Crown and Government, at all Times when there may be a Call for it, viewing him as our political Father, and relying on him to be protected in our Property.

" 2. THAT as we purchaſed our Lands of One of his Majeſty's Governors, and on the good Faith of the Crown of *Great-Britain*, we are determined to maintain thoſe Grants, againſt all Oppoſition, until his Majeſty's Royal Pleaſure ſhall be known on the Premiſes.

" AND whereas we have never made any further Reſiſtance to Government, than the Law of Self-Preſervation, which the Law of GOD and Nature enjoyns on every intelligent, wiſe and underſtanding Being; we therefore are fully of the Opinion to reſolve,

3. THAT ſuch of the Magiſtrates, and governmental Authority of the Province of *New-York*, as have purſued, and have been acceſſary in the Scheme of indicting our Friends and Neighbours as Rioters; and have by Intrigue and Stratagem, of various Sorts, endeavoured to take them, and puniſh them as Criminals; thereby to diſhearten and terrify the *New-Hampſhire* Settlers to that Degree, that they may tamely be diſinherited; have acted contrary to the Spirit and Deſign of the good and

and righteous Laws of *Great-Britain*, which, under a juſt Adminiſtration, never fail to ſecure the Liberty and Property of the Subject; are thereby guilty of great Inhumanity to its reſpective Subjects. We therefore reſolve, That as a Country, we will ſtand by, and defend our Friends and Neighbours, ſo indicted, at the Expence of our Lives and Fortunes. And we would recommend it to the General Aſſembly of the Province of *New-York*, to wait the Determination of his Majeſty, relative to the Title of thoſe Lands, and deſiſt from taking us as Rioters, to prevent the unhappy Conſequences that may reſult from ſuch an Attempt.

" And Fourthly, and laſtly, Reſolved, That for the future, every neceſſary Preparation be made, and that our Inhabitants hold themſelves in Readineſs, at a Minute's Warning, to aid and defend ſuch Friends of our's, who, for their Merit to the great and general Cauſe, are falſely denominated Rioters; but that we will not act any Thing, more or leſs, but on the Defenſive, and always encourage due Execution of Law, in civil Caſes, and alſo in criminal Proſecutions, that are ſo indeed; and that we will aſſiſt, to the utmoſt of our Power, the Officers appointed for that Purpoſe.

" The foregoing Arguments, Narrations and Reſolves, being laid before the General Committee of the *New-Hamſhire* Grants, and was read ſundry Times, and carefully examined. And after mature Deliberation, Mr. *Clark*, Chairman, put the

the Votes to Tryal, whether the foregoing was approved of, as an Anſwer to the Reſolves of the General Aſſembly of the Province of *New-York*? And it was paſſed in the Affirmative. And it was furthermore the Advice of this Committee, that the foregoing be forthwith exhibited in the public Papers, to the Intent that all Officers, Magiſtrates and Perſons whatſoever may know that if they preſume to take the Rioters aforeſaid, they do it on their Peril.

Certified per

NATHAN CLARK, Chairman.
JONAS FAY, Clerk.

Bennington, April 14, 1774.

The following LAW of the Colony of New-York, *was paſſed the 9th Day of March*, 1774.

" An ACT for preventing tumultuous and riotous Aſſemblies in the Places therein mentioned, and for the more ſpeedy and effectual puniſhing the Rioters.

" *WHEREAS a Spirit of Riot and Licentiouſneſs has of late prevailed in ſome Parts of the Counties of* Charlotte *and* Albany, *and many Acts of Outrage and Cruelty have been perpetrated by a Number of turbulent Men, who, aſſembling from Time to Time in Arms, have ſeized, inſulted and menaced ſeveral Magiſtrates, and other Civil Officers, ſo that they dare not execute their Functions---reſcued Priſoners for Debt---aſſumed to themſelves military Commands, and judicial Powers ---burned and demoliſhed the Houſes and Property, and beat*

beat and abuſed the Perſons of many of His Majeſty's Subjects---expelled others from their Poſſeſſions---and finally, have put a Period to the Adminiſtration of Juſtice within, and ſpread Terror and Deſtruction throughout that Part of the Country which is expoſed to their Oppreſſion: Therefore, for the preventing and ſuppreſſing ſuch Riots and Tumults, and for the more ſpeedy and effectual puniſhing the Offenders therein,

" 1. *Be it Enacted*, by His Excellency the Governor, the Council, and the General Aſſembly, and it is hereby enacted, by the Authority of the ſame, That if any Perſons, to the Number of Three, or more, being unlawfully, riotouſly, and tumultuouſly aſſembled, within either of the ſaid Counties, to the Diſturbance of the public Peace, at any Time after the paſſing of this Act, and being required or commanded, by any One or more Juſtice or Juſtices of the Peace, or by the High Sheriff, or his Under Sheriff, or by any One of the Coroners of the County where ſuch Aſſembly ſhall be, by Proclamation to be made in the King's Name, in the Form herein after directed, to diſperſe themſelves, and peaceably to depart to their Habitations, or to their lawful Buſineſs, ſhall, to the Number of Three, or more, notwithſtanding ſuch Proclamation made, unlawfully, riotouſly, and tumultuouſly remain or continue together to the Number of Three, or more, after ſuch command, or Requeſt, made by Proclamation, ſhall, for every ſuch Offence, upon Conviction thereof, in due Form of Law, either in the Supreme Court of Judicature of this Colony, or at the

e Courts of Oyer and Terminer, and General
oal Delivery, or at the General Seſſions of the
eace, to be held reſpectively in and for the ſaid
ounties of *Albany* and *Charlotte*, or either of them,
ffer Twelve Months Impriſonment without Bail
r Mainprize, and ſuch further corporal Puniſh-
ent, as the reſpective Courts before which he,
e, or they ſhall be convicted, ſhall judge fit, not
xtending to Life or Limb; and before his or her
Diſcharge, ſhall enter into Recognizance with two
ufficient Sureties, in ſuch Sums as the ſaid Court
hall reſpectively direct, to be of good Behaviour,
nd keep the Peace towards his Majeſty, and all his
Subjects, for the Term of Three Years, from ſuch
is, her, or their Diſcharge out of Priſon.

II. 2. *And be it further enacted* by the Authority aforeſaid, That the Order and Form of the Proclamation which ſhall be made by the Authority of this Act, ſhall be as hereafter follows, that is to ſay, The Juſtice, or other Perſon, authorized by this Act to make the ſaid Proclamation, ſhall, among the ſaid Rioters, or as near to them as he can ſafely come, with a loud Voice command, or cauſe to be commanded, Silence to be kept, while Proclamation is making; and ſhall then openly, with a loud Voice, make, or cauſe to be made, Proclamation in theſe Words, or to the like Effect: *Our Sovereign Lord the King, chargeth and commandeth all Perſons, being aſſembled, immediately to diſperſe themſelves, and peaceably to depart to their Habitations, or to their lawful Buſineſs, upon the Pain contained in the Act made in the Fourteenth Year of the Reign of King GEORGE*

the Third, to prevent tumultuous and riotous Aſſemblies. And every ſuch Juſtice and Juſtices of the Peace, Sheriff, Under Sheriff, or Coroner, within the Limits of the reſpective Counties where they reſide, are hereby authoriſed, impowered, and required, on Notice or Knowledge of any ſuch unlawful, riotous and tumultuous Aſſembly, forthwith to repair to the Place where ſuch unlawful, riotous and tumultuous Aſſembly ſhall be, to the Number of Three, or more, and there to make, or cauſe to be made, Proclamation in Manner aforeſaid.

" 3. *And be it further enacted*, by the Authority aforeſaid, That if any Perſon or Perſons do, or ſhall, with Force and Arms, wilfully and knowingly oppoſe, obſtruct, or in any Manner wilfully and knowingly let, hinder or hurt any Perſon or Perſons, who ſhall begin to proclaim, or go to proclaim, according to the Proclamation hereby directed to be made, whereby ſuch Proclamation ſhall not be made; that then every ſuch oppoſing, letting, hindering, or hurting ſuch Perſon or Perſons ſo being or going to make ſuch Proclamation as aforeſaid, ſhall be adjudged Felony without Benefit of Clergy; and that the Offenders therein, ſhall be adjudged Felons, and ſhall ſuffer Death, as in Caſes of Felony without Benefit of Clergy: And that all every ſuch Perſon or Perſons, ſo being unlawfully, riotouſly and tumultuouſly aſſembled to the Number of Three, as aforeſaid, or more, to whom Proclamation ſhould, or ought to have been made, if the ſame had not been hindered as aforeſaid, ſhall, in Caſe they, or any of them, to the

the Number of Three, or more, shall continue together, and not forthwith disperse themselves, after such Let or Hindrance, having Knowledge of such Let or Hindrance, shall likewise for every such Offence, upon Conviction thereof, in Manner aforesaid, suffer the same Pains and Penalties as are hereby inflicted on those who shall continue together to the Number of Three, or more, after they shall be commanded to depart to their Habitations, or lawful Business, by Proclamation as aforesaid.

"4. *And be it Further Enacted*, by the Authority aforesaid, That if such Persons so unlawfully, riotously and tumultuously assembled, or any Three or more of them, after Proclamation made in Manner aforesaid, shall continue together, and not forthwith disperse themselves, it shall and may be lawful to and for every such Justice of the Peace, Sheriff, Under Sheriff, Coroner, or Constable, of any County or Township where such Assembly shall be; and to and for such Person or Persons as shall be commanded to be assisting unto such Justice of the Peace, Sheriff, Under Sheriff, Coroner, or Constable, who are hereby authorized and impower'd to command all His Majesty's Subjects of Age and Ability, to be aiding and assisting to them therein; to seize and apprehend, and they are hereby required to seize and apprehend such Persons so unlawfully, riotously, and tumultuously assembled together, after Proclamation made as aforesaid, and forthwith to carry the Persons so apprehended, before any one or more of his Majesty's Justices of the Peace of the said Counties of *Charlotte*, or *Albany*; in order

to

to their being proceeded againſt for ſuch their Offences, according to Law.

" And that if the Perſons ſo unlawfully, riotouſly, and tumultuouſly aſſembled, or any of them, ſhall happen to be killed, maimed, or hurt in the diſperſing, ſeizing, or apprehending them, by reaſon of their reſiſting the Perſons ſo diſperſing, ſeizing, or apprehending, or endeavouring to diſperſe, ſeize, or apprehend them, that then every ſuch Juſtice of the Peace, Sheriff, Under-Sheriff, Coroner or Conſtable, and all and ſingular Perſons aiding and aſſiſting to them, or any of them, ſhall be freed, diſcharged, and indemnified, as well againſt the King's Majeſty, his Heirs and Succeſſors, as againſt all and every other Perſon and Perſons, of, for, or concerning the killing, maiming, or hurting of any ſuch Perſon or Perſons, ſo unlawfully, riotouſly, and tumultuouſly aſſembled, that ſhall happen to be ſo killed, maimed, or hurt as aforeſaid.

" 5. *And be it further enacted*, by the Authority aforeſaid, that if any Perſon or Perſons within the ſaid Counties, or either of them, not being lawfully authorized a Judge, Juſtice, or Magiſtrate, ſhall aſſume judicial Power, or ſhall try, fine, ſentence, or condemn any Perſon, who ſhall either be abſent, or ſhall unlawfully or forcibly be ſeized, taken, or brought before Him or Them for Tryal, or Puniſhment; or if any Perſon or Perſons ſhall aid or aſſiſt in ſuch illegal Proceedings, or ſhall inforce, execute, or carry the

the ſame into Effect; or if any Perſon or Perſons ſhall unlawfully ſeize, detain, or confine, or aſſault and beat any Magiſtrate, or civil Officer, for, or in the Reſpect of any Act or Proceeding in the due exerciſe of his Function, or in order to compel him to reſign, renounce, or ſurceaſe his Commiſſion or Authority, or to terrify, hinder, or prevent him from performing and diſcharging the Duties thereof; or if any Perſon, or Perſons, either ſecretly, or openly, ſhall unlawfully, wilfully, and malliciouſly burn or deſtroy the Grain, Corn, or Hay, of any other Perſon, being in any Incloſure, or if any Perſons unlawfully, riotouſly, and tumultuouſly aſſembled together, to the Diſturbance of the public Peace, ſhall unlawfully, and with Force demoliſh, or pull down, or begin to demoliſh or pull down any Dwelling-Houſe, Barn, Stable, Griſt-Mill, Saw-Mill, or Out-Houſe, within either of the ſaid Counties, that then, each of the ſaid Offences, reſpectively, ſhall be adjudged Felony, without Benefit of Clergy; and the Offenders therein, ſhall be adjudged Felons, and ſhall ſuffer Death, as in caſes of Felony without Benefit of Clergy.

" 6. AND WHEREAS Complaint and Proofs have been made, as well before his Excellency the Governor in Council, as before the General Aſſembly, That *Ethan Allen*, ſome Time of *Saliſbury*, in the Colony of *Connecticut*, but late of *Bennington*, in the County of *Albany*, Yeoman; *Seth Warner*, late of *Bennington* in the ſaid County,

ty, Yeoman; *Remember Baker*, late of *Arlington* in the ſaid County, Yeoman; *Robert Cockran*, late of *Ruporte*, in the County of *Charlotte*, Yeoman; *Peleg Sunderland*, and *Silvanus Brown*, late of *Socialborough* in the ſame County, Yeomen; *James Brackenridge*, late of *Wallumſchack*, in the County of *Albany*, Yeoman; and *John Smith*, late of *Socialborough*, Yeoman; have been principal Ring-leaders of, and Actors in the Riots and Diſturbances aforeſaid; and the General Aſſembly have thereupon addreſſed his Excellency the Governor, to iſſue a Proclamation offering certain Rewards for apprehending and ſecuring the ſaid Offenders, and for bringing them, and the other Perpetrators and Authors of the Riots to Juſtice: And foraſmuch as ſuch diſorderly Practices are highly criminal, and deſtructive to the Peace and Settlement of the Country, and it is indiſpenſably neceſſary for Want of Proceſs to Outlawry (which is not uſed in this Colony) that ſpecial Proviſion be made for bringing ſuch Offenders in future to Tryal and Puniſhment, without expoſing the Colony to the Expence of extraordinary Rewards and Bounties for apprehending ſuch Offenders.---

" *Be it therefore enacted*, by the Authority aforeſaid, That it ſhall and may be lawful to and for his Excellency the Governor, or the Governor and Commander in Chief, for the Time being, by and with the Advice of the Council, as often as either of the above named Perſons, or any other Perſon, ſhall be indicted in either of the Counties aforeſaid, for any Offence perpetrated after the

paſſing

paſſing of this Act, made Capital by this or any other Law, or where any Perſon may ſtand indicted for any of the Offences above mentioned, not made Felony by this Act, to make his Order in Council, thereby requiring and commanding ſuch Offender or Offenders to ſurrender themſelves reſpectively, within the Space of Seventy Days next, after the firſt Publication thereof, in the *New-York* Gazette, and weekly Mercury; to one of his Majeſty's Juſtices of the Peace, for either of the ſaid Counties reſpectively, who are hereby required thereupon to commit him or them, without Bail or Mainprize, to the Goal of the City of *New-York*, or of the City and County of *Albany*, to the End that He or They may be forthcoming to anſwer the Offence or Offences, wherewith He or They ſhall ſtand charged according to the ordinary Courſe of the Law; which Order the Clerk of his Majeſty's Council, or his Deputy, ſhall cauſe forthwith to be printed and publiſhed, in eight ſucceſſive Papers, of the *New-York* Gazette, and weekly Mercury; the two firſt of which to be forthwith tranſmitted to the Sheriffs of the Counties of *Albany* and *Charlotte*; and the ſaid Sheriffs reſpectively, ſhall, within ſix Days after the Receipt thereof, cauſe the ſame printed Orders to be affixed upon the Door of the Court-Houſe of the County of *Albany*, and upon the Door of the Dwelling-Houſe of *Patrick Smith*, Eſq; where the Courts are now uſually held for the ſaid County of *Charlotte*, and upon the Doors of two other Publick-Houſes, in each of their reſpective Counties. And in caſe the ſaid Offend-

ers,

ers ſhall not reſpectively ſurrender themſelves purſuant to ſuch Orders of his Excellency the Governor, or of the Governor and Commander in Chief for the Time being, to be made in Council as aforeſaid; He or They ſo neglecting or refuſing to ſurrender Himſelf, or Themſelves as aforeſaid, ſhall, from the Day to be appointed for his or their Surrendery as aforeſaid be adjudged deemed, and (if indicted for a capital Offence hereafter to be perpetrated) to be convicted and attainted of Felony, and ſhall ſuffer Death, as in Caſes of Perſons convicted & attainted of Felony by Verdict and Judgment, without Benefit of Clergy; and that it ſhall and may be lawful to, and for the Supreme Court of Judicature of this Colony, or the Courts of Oyer and Terminer, or General Goal delivery, for the reſpective Counties aforeſaid, to award Execution againſt ſuch Offender or Offenders, ſo indicted for a capital Offence, perpetrated after the paſſing of this Act, in ſuch Manner as if He or They had been convicted or attainted in the ſaid Supreme Courts of Judicature, or before ſuch Courts of Oyer and Terminer, or General Goal Delivery reſpectively: And if any Offender, being indicted for a leſſer Offence, under the Degree of Felony, ſhall not ſurrender himſelf within the Time fixed by ſuch Order, and after ſuch Notice as aforeſaid, he ſhall thence forth be deemed guilty of the Offence for which he may be charged by ſuch Indictment; and it ſhall be lawful for the Court wherein ſuch Indictment is found, to proceed to pronounce ſuch Judgment againſt the Offender as might lawfully be done if he was preſent in Court, and convicted in the ordinary Courſe of

the

e Law, of the Crime wherewith he ſhall ſo ſtand arged as aforeſaid. Provided always,

" 7. *And be it further enacted*, by the ſame Au-ority aforeſaid, That if any Perſon ſo neglect-g to ſurrender himſelf as aforeſaid, within the id Seventy Days, ſhall, at any Time after, ſur-ender himſelf to the Sheriff of the Cities of *New-York* or *Albany*, or of the Counties of *Dutcheſs* or *Weſt-Cheſter*, (who are to receive, and ſafely keep ſuch Offenders) and being actually in Cuſtody, exhibited reaſonable Proof, to the Satisfaction of he Judges of the Supreme Court of this Colony, r either of them, that he was not within either of he ſaid Counties of *Albany* or *Charlotte*, or within either of the Counties of *Cumberland* or *Glouceſter*, t any Time after the Publication and Notices a-bove directed, and before ſuch Surrender of him-ſelf as aforeſaid; then ſuch Judge before whom ſuch Proof is made, ſhall forthwith notify the ſame in Writing, to the Sheriff to whom any War-rant of Execution for the Executing ſuch Offender, or any other Proceſs for any leſſer Puniſhment, hath been, or may be iſſued; and thenceforth ſuch Priſoner or Offender ſhall not be liable to ſuffer Death, or any other Puniſhment for not ſurrender-ing himſelf.---Provided alſo, that nothing in this Act contained, ſhall be conſtrued to exempt any Offender, ſo ſurrendering himſelf, after the Seven-ty Days, as aforeſaid, from any Puniſhment to which he may be liable for any other Crime than for not ſurrendering himſelf within the Seventy Days, as aforeſaid, nor to deprive any Perſon who

ſhall to ſurrender himſelf within the Seventy Days, from being bailed, in Caſes where he ſhall be bailable by Law; any Thing herein contained to the Contrary thereof, in any Wiſe notwithſtanding.

" 8. *And be it further enacted*, by the ſame Authority aforeſaid, That all and every Perſon and Perſons who ſhall, after the Expiration of the Time to be appointed as aforeſaid, for the Surrender of the reſpective Offenders herein before named, harbour, receive, conceal, abet, or ſuccour ſuch Offender, or Offenders, knowing him or them to have been required to ſurrender him or themſelves, by ſuch Order or Orders as aforeſaid, and not to have ſurrendered purſuant thereto, ſhall upon Conviction thereof in due Form of Law, ſuffer the ſame Pains and Penalties as are by this Act inflicted on thoſe who ſhall continue together to the Number of Three or more, after they ſhall be commanded to depart to their Habitation, or lawful Buſineſs by Proclamation as aforeſaid.

" 9. And Whereas the ſaid County of *Charlotte*, hath but lately been ſet off from the ſaid County of *Albany*, and there is yet no Goal or Court-Houſe erected within the ſame; and a great Part of the ſaid County being involved in a State of Anarchy & Confuſion by Reaſon of the violent Proceedings of the aforeſaid riotous and diſorderly People, from whence it muſt at preſent be extremely difficult if not impracticable, to bring Offenders to Juſtice within the ſaid County:

Be it therefore further Enacted by the Authority aforeſaid

foresaid, That all Treasons, Felonies, Crimes, Misdemeanors & Offences whatsoever, at any Time heretofore committed or perpetrated, or hereafter to be committed or perpetrated within the said County of *Charlotte*, shall and may be proceeded against and presented by any Grand Jury for the County of *Albany* from Time to Time to be impanelled and sworn at any Court or criminal Jurisdiction to be held in and for the said County of *Albany*, who shall and may charge any of the said Offences to have been committed in any Part of the said County of *Charlotte*, and all Indictments so found by them shall be adjudged to be good and valid, notwithstanding that the Place of perpetrating any of the said Offences be in the said Indictments alledged to be out of the said County of *Albany*, and all such Offences & Offenders, which shall be presented or indicted as aforesaid, shall and may be tried within the County of *Albany*, and by a Jury thereof, and there heard, determined, and punished in the same Manner and Form as if such Treason, Felony, Crime, Misdemeanor, or Offence, had arisen and been perpetrated within the said County of *Albany*.

"10. Provided always, *And be it further Enacted*, That if at any Time hereafter the Justices to be appointed for holding Courts of Over and Terminer, and General Goal Delivery, for the said County of *Charlotte*, in Cases cognizable before them; or the Justices of the General Sessions of the Peace for the said County of *Charlotte*, in Cases cognizable before them, shall conceive that any Prisoner or Offender may be safely brought to

Justice

Juſtice within, and by a Jury of the ſaid County of *Charlotte*, that then it ſhall and may be lawful to and for each of the ſaid Courts reſpectively, to proceed againſt, and try ſuch Priſoner or Offender, having lawful Cognizance of his Cauſe within and by a Jury of the ſaid County of *Charlotte*, and him there to acquit or to Sentence, condemn, and puniſh as the Law directs; any thing in this Act to the contrary thereof notwithſtanding.

" 11. AND *be it further Enacted*, by the Authority aforeſaid, That this Act ſhall be publickly read in every Court of General Seſſions of the Peace, to be held in each of the ſaid Counties of *Albany*, and *Charlotte*, reſpectively.

" 12. AND *be it further Enacted*, by the Authority aforeſaid; That this Act ſhall remain and continue in full Force and Effect, from the paſſing thereof, until the firſt Day of January, which will be in the Year of Our Lord, One Thouſand, Seven Hundred, and Seventy Six."

From the *New-Hampſhire* Gazette, No. 915.

REMARKS, &c. on ſome late Laws, paſſed in *New-York*.

HIS Excellency Governor *Tryon* in Conformity to the Addreſſes of the General Aſſembly of the Colony of *New-York*, having on the 9th Day of March 1774, with the Advice of his Council, iſſued his Proclamation, offering therein large Sums of Money, for the Purpoſe of apprehending and

impriſoning

impriſoning the following Perſons, viz. *Ethan Allen*, *Seth Warner*, *Remember Baker*, *Robert Cochran*, *Peleg Sunderland*, *Silvanus Brown*, *James Breakenridge*, and *John Smith*.

And whereas, his Excellency the Governor, by the ſame Proclamation, hath ſtrictly enjoined and commanded all Magiſtrates, Juſtices of the Peace, Sheriffs, and other civil Officers of the Counties of *Albany* and *Charlotte*, to be active and vigilant in apprehending, and impriſoning the Perſons above named; and we the aforeſaid Perſons, who have hereunto ſubſcribed, being conſcious that our Cauſe is good and equitable, in the Sight of God, and all unprejudiced and honeſt Men, are determined at all Events, to maintain, and defend the ſame, 'till his Majeſty's Pleaſure ſhall be known, concerning the Validity of the *New-Hampſhire* Grants.------And we now proclaim to the Public, not only for Ourſelves, but for the *New-Hampſhire* Grantees, and Occupants in general; that the Spring and moving Cauſe of our Oppoſition to the Government of *New-York*, was Self-Preſervation, viz. Firſtly, the Preſervation and maintaining of our Property: And Secondly, ſince that Government is ſo incenſed againſt us, therefore it ſtands us in Hand to defend our Lives; for it appears, by a late Set of Laws paſſed by the Legiſlature thereof, that the Lives, and Property of the *New-Hampſhire* Settlers are manifeſtly ſtruck at; but, that the Public may rightly underſtand the Eſſence of the Controverſy, we now proclaim to thoſe Law-Givers, and to the World, that

that if the *New-York* Patentees will remove their Patents that have been ſubſequently lapped and laid on the *New-Hampſhire* Charters, and quiet us in our Poſſeſſions, agreeable to his Majeſty's directions, and ſuſpend thoſe criminal Proſecutions againſt us, for being Rioters (as we are unjuſtly denominated) then will our Settlers be orderly and ſubmiſſive Subjects to Government; but be it known to that deſpotic Fraternity of Law-Makers, and Law-Breakers, that we will not be fooled or frighted out of our Property; they have broke over his Majeſty's expreſs Prohibitions, in patenting thoſe Lands, and when they act in Conformity to the regal Authority of Great-Britain, it will be ſoon enough for us to obey them. It is well known by all wiſe and ſenſible Perſons in the neighbouring Governments, (that have animadverted on the Controverſy) that their pretended Zeal for good Order and Government, is fallacious, and that they aim at the Lands and Labours of the Grantees and Settlers aforeſaid: and that they ſubvert the good and wholeſome Laws of the Realm, to corroborate with, and bring about their vile and mercenary Purpoſes.

And, inaſmuch as the Malignity of their Diſpoſition towards us, hath flamed to an immeaſurable and murtherous Degree, they have in their new-fangled Laws, calculated for the meridian of the *New-Hampſhire* Grants, paſſed the 9th of March, 1774; ſo calculated them, as to correſpond with the depravedneſs of their Minds and Morals; in them Laws, they have exhibited their genuine

genuine Pictures. The Emblems of their inſatiable, avaricious, overbearing, inhuman, barbarous, and blood-guiltineſs of Diſpoſition and Intention is therein portraited in that tranſparent Image of themſelves, which cannot fail to be a Blot, and an infamous Reproach to them, to Poſterity.------We cannot ſuppoſe that every of his Majeſty's Council, or that all the Members of the General Aſſembly were active in paſſing ſo bloody and unconſtitutional a Set of Laws; undoubtedly, ſome of them diſapproved thereof; and it is altogether poſſible, that many that were active in making the Law, were impoſed upon by falſe Repreſentations, and acted under miſtaken Views of doing Honour to Government; but be this as it will, it appears that there was a Majority. And it has been too much the Caſe with that Government, for a Number of deſigning Schemers, and Land-Jockeys, to rule the ſame. Let us take a View of their former narrow and circumſcribed Boundaries, and how, by Legerdemain, Bribery and Deceptions of one Sort or other, they have extended their Domain far and wide; they have wrangled with, and encroached on all their neighbouring Governments, and have uſed all Manner of Deceit and Fraud to accompliſh their Deſigns: Their Tenants groan under their Uſury and Oppreſſion; and they have gained, as well as merited the Diſapprobation and Abhorrence of their Neighbours, and the innocent Blood they have already ſhed, calls for Heaven's Vengeance on their guilty Heads; and if they ſhould come forth in arms againſt us, thouſands of their injured

ed and diſſatisfied Neighbours in the ſeveral Governments, will join with us, to cut off, and extirpate ſuch an execrable Race from the Face of the Earth!

This Piece is not ſuppoſed to contain a full Anſwer to the new conſtructed Set of Laws aforeſaid; for ſuch a large TWO-YEAR OLD, hath never before been ſeen in America, it being of an enormous and monſtrous Birth; nor is it ſuppoſed to give the Legiſlators their full Characters: But ſo much, and a little more may ſuffice for the preſent. To quote the Laws, and make Remarks thereon, would be Matter ſufficient for a Volume: However, we will yet make ſome few ſhort Obſervations.

1ſt, NEGATIVELY, it is not a Law for the Province of *New-York* in general, but,

2d, POSITIVELY, it is a Law but for Part of the Counties of *Charlotte*, and *Albany*; viz. Such Parts thereof, as are covered with the *New-Hampſhire* CHARTERS, and it is well known thoſe Grants compoſe but a minor Part of the Inhabitants of the ſaid Province; andwe have no Repreſentative in that Aſſembly: The firſt Knowledge we had of ſaid Laws, was the Completion of them; which informed us, that if we aſſembled, Three or more of us together, to oppoſe (that which they call legal) Authority, we ſhall be adjudged Felons, and ſuffer the Pains of Death; and that ſame Fraternity of Plotters knew, as well as we, and the generality of the People in the adjacent Colonies, that they have for a Num-

ber

ber of Years laſt paſt, endeavoured to exerciſe ſuch a Courſe of what they call Law, that had they not been oppoſed by the People of theſe Grants (called the MOB) in the executing the ſame, they would before this Time, have been in Poſſeſſion of that Territory, for which the Laws aforeſaid are calculated. Therefore the Caſe ſtands thus: If we oppoſe civil Officers, in taking Poſſeſſion of our Farms, we are, by theſe Laws, denominated Felons; or if we defend our Neighbours, who have been indicted Rioters, only for defending our Property; we are likewiſe adjudged Felons. In fine, every Oppoſition to their monarchial Government is deemed Felony, and at the End of every ſuch Sentence there is the Word DEATH! And the ſame Laws further impower the reſpective Judges, provided any Perſons, to the Number of Three, or more, that ſhall oppoſe any Magiſtrate, or other civil Officer, and be not taken, that after a legal Warning of Seventy Days, if they do not come and yield themſelves up to certain Officers appointed for the Purpoſe of ſecuring them; then it ſhall be lawful for the Judges aforeſaid, to award Execution of DEATH, the ſame as tho' he or they had been convicted or attainted before a proper Court of Judicature, &c. The candid Reader will doubtleſs obſerve, that the diabolical Deſign of this Law, is to obtain Poſſeſſion of the *New-Hampſhire* Grants, or to make the People that defend them Out-Laws, and ſo kill them whenever they can catch them.

THOSE bloody Law-Givers know we are neceſſi-

tated to oppoſe their Execution of Law, where it points directly at our Property, or give up the ſame: But there is one Thing is Matter of Conſolation to us, viz. that printed Sentences of Death will not kill us when we are at a Diſtance; and if the Executioners approach us, they will be as likely to fall Victims to Death as we: And that Perſon, or Country of Perſons, are Cowards indeed, if they cannot as manfully fight for their Liberty, Property and Life, as Villains can to deprive them thereof.

THE *New-York* Schemers accuſe us with many Things, Part of which are true, and Part not.—With Reſpect to reſcuing Priſoners for Debt, it is *falſe*. As to aſſuming judicial Powers, we *have not*, except a well-regulated Combination of the People to defend their juſt Rights, may be called ſo. As to forming ourſelves into Military Order, and aſſuming Military Commands, the *New-York* Poſſies, and Military Preparations, Oppreſſions, &c. *obliged us to it*. Probably Meſſ. *Duane*, *Kemp*, and *Banyer*, of *New-York*, will not diſcommend us for ſo expedient a Preparation; more eſpecially ſince the Decrees of the 9th of March, are yet to be put in Execution: And we flatter ourſelves, upon Occaſion, we can muſter as good a Regiment of Mark's-men and Scalpers, as *America* can afford; and we now give the Gentlemen above-named, together with Mr. *Bruſh*, and Col. *Ten Broeck*, and, in fine, all the Land-Jobbers of *New-York*, an Invitation to come and view the Dexterity of our Regiment; and we cannot think of a better Time

for

for that Purpoſe, than when the Executioners come to kill ſome or all of us, by Virtue of the Authority their Judges have lately received to award and Sentence us to Death in our Abſence. There is ſtill one more notable Complaint againſt us, viz. That we have inſulted and menaced ſeveral Magiſtrates, and other civil Officers, ſo that they dare not execute their reſpective Functions: This is *true*, ſo far as it relates to the Magiſtrates. But the Public ſhould be informed, what the Functions of thoſe Magiſtrates are: They are commiſſioned for the ſole Purpoſe of doing us all the Harm and Miſchief they poſſibly can, through their Adminiſtration and Influence; and that they might be ſubſervient to the wicked Deſigns of the *New-York* Schemers. Theſe are their Functions; and the Public need no further Proof than the Conſideration that they are the Tools of thoſe extravagant Law-Makers; and it muſt be owned, they acted with great Judgment, in chuſing the moſt infernal Inſtruments for their Purpoſe.

DRACO, the *Athenian* Lawgiver, cauſed a Number of Laws (in many Reſpects analogous to thoſe we have been ſpeaking of) to be *written* in Blood. But our modern *Draco*'s determine to have their's *verified* in Blood. They well know we ſhall more than *Three*, nay, more than *Three Times Three Hundred*, aſſemble together, if Need be, to maintain our common Cauſe, till his Majeſty determines who ſhall be and remain the Owners of the Land in Conteſt. "*Wilt not thou poſſeſs that which Chemoth, thy God, giveth thee to poſſeſs?*" So will we poſſeſs

poſſeſs that which the Lord our God (and King) giveth us to poſſeſs.

And laſtly, we addreſs ourſelves to the People of the Counties of *Albany* and *Charlotte*, which inhabit to the Weſtward of, and are ſituated contiguous to the *New-Hampſhire* Grants.

Gentlemen, Friends and Neighbours,

Providence having allotted and fixed the Bounds of our Habitations in the ſame Vicinity, which, together with the Intercourſe of Trade and Commerce, hath formed an almoſt univerſal Acquaintance and Tie of Friendſhip between us, and hath laid ſuch a Foundation of Knowledge, that your People in general cannot but be ſenſible that the Title of our Land is in Reality the Bone of Contention, and that as a People, we behave ourſelves orderly; and are induſtrious, and honeſtly diſpoſed; and pay juſt Deference to Order and good Government; and that we mean no more by that which is called the Mob, but to defend our juſt Rights and Properties. We appeal to the Gentlemen Merchants, to inform whether our People in general, do not exert themſelves to pay their juſt Debts; and whether ever they have been hindered by the Country's Mob, in the Collection of their Dues. But as the Magiſtrates, Sheriffs, Under-Sheriffs, Coroners, and Conſtables of the reſpective Counties that hold their Poſts of Honor and Profit under our bitter Enemies, we have a jealouſy, that ſome of them may be induced to recommend

recommend themſelves to thoſe on whom they are dependant, and for the Wages of unrighteouſneſs, offered by Proclamation) to preſume to apprehend ſome of us, or our Friends: We therefore adver-tiſe ſuch Officers, and all Perſons whatſoever, that we are reſolved to inflict *immediate Death* on whom-ſoever may attempt the ſame: And provided any of us or our Party ſhall be taken, and we have not Notice ſufficient to relieve them, or whether we re-lieve them or not, we are reſolved to ſurround ſuch Perſon or Perſons, whether at his or their own Houſe or Houſes, or any where that we can find him or them, and *ſhoot ſuch Perſon or Perſons dead.* And further more, that we will *kill* and *deſtroy* any Perſon or Perſons whomſoever, that ſhall *preſume* to be acceſſary, aiding or aſſiſting in taking any of us as aforeſaid; for by theſe Preſents we give any ſuch diſpoſed Perſon or Perſons to underſtand, that, altho' they have a Licence by the Law afore-ſaid, to *kill* us; and an "Indemnification" for ſuch Murther from the ſame Authority; yet they have no Indemnification for ſo doing, from the GREEN MOUNTAIN BOYS; for our Lives, Liberties and Properties are as verily precious to us, as to any of the King's Subjects; and we are as loyal to his Majeſty or his Government, as any Subjects in the Province: But if the Governmental Authority of *New-York* will Judge in their own Caſe, and act in Oppoſition to that of *Great-Britain*, and inſiſt up-on *killing* us to take poſſeſſion of our "Vineyards" come on, we are ready for a Game of Scalping with them; for our marſhal Spirits glow with Bitter Indignation,

Indignation, and conſumate Fury to Blaſt their Infernal Projections.

" It may be the Reader, not having ſeen the Law referred to in this Piece, and not being thoroughly acquainted with the long and ſpirited Conflict that hath ſubſiſted between the Claimants under *New-Hampſhire* and *New-York*, nor of the Progreſſive, Arbitrary and Monopolizing diſpoſition of the Court Party of the latter of thoſe Provinces; may be apt to imagine that the Spirit of this Writing is too ſevere, inaſmuch as it Deſtines whoever preſumes to take us as Felons or Rioters, to immediate Death; but let the Wiſe conſider the State of the Cauſe.

1. PROVIDED we on our Part be taken, we have by them Laws the Sentence of Death already pronounced againſt us, on Proviſo more than Three of us aſſemble together to maintain and defend our Property, till his Majeſty determines the Controverſy. And,

2. MAY it be conſidered, that the Legiſlative Authority of the Province of *New-York* had no conſtitutional Right or Power to make ſuch Laws, and conſequently that they are Null and Void, from the Nature and Energy of the Engliſh Conſtitution; therefore as they merit no Place among the Laws of the Realm of Great-Britain, but are the arbitrary League and Combination of our bitter and mercileſs Enemies, who, to obtain our Property, have inhumanly, barbarouſly, and malici-

ouſly,

ouſly, under the ſpecious and hypocritical Pretence of legal Authority, and Veneration for Order and Government, have laid a Snare for our Lives. Can the Public cenſure us for exerting Ourſelves nervouſly to preſerve our Lives in ſo critical a Situation? For by the Laws of the Province, into which we are unfortunately fallen, we cannot be protected in either Property or Life, except we give up the Former to ſecure the Latter; ſo we are reſolved to maintain both, or to hazard or looſe both.

From hence follows a neceſſary Inference, That inaſmuch as our Property, nay our Lives, cannot be protected (but manifeſtly ſtruck at) by the higheſt Authority in the Province to which we at preſent belong; therefore in the Interim, while his Majeſty is determining the Controverſy, and till he ſhall interpoſe his Royal Authory, and ſubject the Authority aboveſaid to their Duty, or re-annex the Diſtrict of diſputed Lands to the Province of *New-Hampſhire*, or ſome Way in his great Wiſdom and Fatherly Clemency, put the diſtreſſed Settlers under *New-Hampſhire*, on an equal Footing with our Brother Subjects in his Realm; we are under Neceſſity of reſiſting, even unto Blood, every Perſon who may attempt to take us as Felons or Rioters as aforeſaid; for in this Caſe it is not reſiſting Law, but only oppoſing Force by Force; therefore inaſmuch as by the Oppreſſions aforeſaid, the *New-Hampſhire* Settlers are reduced to the diſagreeable State of Anarchy and Confuſion; in which State we hope for Wiſdom, Patience and Fortitude, till

the

the happy Hour his Majeſty ſhall graciouſly be pleaſed to reſtore us to the Privileges of Engliſhmen.

Signed per *Bennington*, *April* 16, 1774.

ETHAN ALLEN,
SETH WARNER,
REMEMBER BAKER,
ROBERT COCKRAN,
PELEG SUNDERLAND,
JOHN SMITH,
SILVANUS BROWN.

N. B. WHEREAS Mr. *James Breakenridge*, hath the Honour to be enroled a Rioter with us, we can aſſure the Public that this worthy Gentleman hath never been concerned with us in any Mob whatſoever; but that he hath always relied on a good Providence, and the regal Authority of *Great-Britain* for the Confirmation of the *New-Hampſhire* Charter; excluſive of all forcible Meaſures whatſoever.

" When *Cæſar* reigned King at *Rome*,
St. *Paul* was ſent to hear his Doom;
But *Roman* Laws in a criminal Caſe,
Muſt have the Accuſer Face to Face,
Or *Cæſar* gives a flat Denial.----
But here's a Law made now of late;
Which deſtines Men to awful Fate,
And Hangs and Damns without a Trial.
Which made me view all Nature through,
To find a Law where Men were ti'd,
By legal Act which doth exact
Men's Lives before they're Try'd.

Then

Then down I took the ſacred Book,
And turn'd the Pages o'er,
But could not find one of this kind,
By God or Man before. T. R.

In order to exhibit a more full Narrative of the real State of the Controverſy aforeſaid, it is thought Neceſſary here to Inſert ſundry Letters from Governor *Tryon* to the Inhabitants of *Bennington* and the adjacent Country, and their Anſwers thereto, as they were publiſhed in ſundry public News-Papers; which will ſerve to open to View the antecedent State, and Progreſſion of the Controverſy, as far back as the Year 1772, and Reflect Light on ſo important a Cauſe.

From the Connecticut Courant, No. 394.
New-York, 19*th May*, 1772.

"On his Majesty's Service,

" *To the Rev. Mr.* Dewey, *and the Inhabitants of* Bennington, *and the adjacent Country, on the Eaſt Side of* Hudſon's River.

Gentlemen,

THE many violent and illegal Acts you have lately committed againſt the Peace and good Order of this Province, of which I have had frequent Proofs and Informations, at the ſame Time that they are not only a Reproach to yourſelves, but dangerous and injurous to your Families and Intereſts, cannot fail of being highly offenſive to your Sovereign. You may depend a Perſeverance in your Diſobediance to, and Violations of the Laws

of your Country muſt ſoon draw forth againſt you the Exertions of the Powers of Government. However, being ſincerely diſirous on my Part, to avoid compulſive Meaſures, while lenient Methods may prove ſucceſsful; I eſteem it my Duty to invite you to lay before this Government the Cauſes of your illegal Proceedings; and it is with the Concurrence and Advice of his Majeſty's Council that I ſend you this Invitation, who, with me are diſpoſed to examine into the Grounds of your Behaviour and Diſcontent with Deliberation and Candor, and as far as in us lies, to give ſuch Relief as the Nature of your Situation and Circumſtances will juſtify. That there may be no Obſtruction to your laying before me in Council, as ſoon as poſſible, a fair Repreſentation of your Conduct, I do hereby engage full Security and Protection to any Perſons whom you ſhall chooſe to ſend on this Buſineſs to *New-York*, from the Time they leave their Homes to the Time of their Return, except *Robert Cockran*, as alſo *Allen*, *Baker*, and *Stark*, mentioned in my Proclamation of the 9th of December laſt, and *Seth Warner*, whoſe audacious Behaviour to a Civil Magiſtrate, has ſubjected him to the Penalties of the Laws of his Country. I am told Mr. *William Dewey*, a Miniſter of the Goſpel, *James Breakenridge*, and Mr. *Fay*, are Perſons in whoſe Judgment you have much Confidence; I ſhould therefore think they would be your proper Meſſengers on a Buſineſs in which you are ſo deeply concerned, eſpecially Mr. *Dewey*, who has been favourably repreſented here ſince my Appointment to this Government. His Majeſty's Secretary of State has ſignified to me that the King has

has finally fixed *Connecticut* River to be the eſtabliſhed Juriſdiction between the Government of *New-York* and *New-Hampſhire*.

" This Circumſtance I mention that you may not be miſled or deceived by a Perſwaſion, that that Part of the Country you inhabit, will ever be annexed to the Government of *New-Hampſhire*. I have this farther Motive for mentioning the King's final Deciſion, that by your receiving this Authority of your being in the Government of *New-York*, I am hopeful your future Conduct will juſtify me in aſſuring his Majeſty of your dutiful Obedience to his royal Determination. I flatter myſelf you will chearfully improve this final Offer of reconciling yourſelves to this Government. I am your Friend,

W. TRYON.

" *A true Copy of his Excellency's Letter.*"

Bennington, 5th June, 1772.

To his Excellency,

WILLIAM TRYON, ESQUIRE, &c.

" *May it Pleaſe your Excellency,*

WE his Majeſty's leige and loyal Subjects of the Province of *New-York*, having received your particular Favour of the 19th Day of *May* laſt, requeſting the Inhabitants of *Bennington*, and the adjacent Country on the Eaſt Side of *Hudſon's* River, to lay before your Excellency and Council, the Cauſe of our Diſcontent and Behaviour, do now expreſs our Satisfaction in having this very Opportunity to acquaint your Excellency,

" FIRST,

" FIRST, That we hold the Fee and Property of the Lands we are ſettled on, and in Poſſeſſion of, by Virtue of Grants from their Majeſties *George* the Second and Third, &c. which Lands at the Time of thus being granted, was reputed to be within the Juriſdiction of the Province of *New-Hampſhire*, until the Year 1764, when ſome of your Excellency's now Subjects had by ſome Meaſures obtained his Majeſty's Pleaſure for Alteration of Juriſdiction-line between the Provinces of *New-Hampſhire* and *New-York*; ſince this, ſundry Grants have been made by thoſe in the Adminiſtration of Government in the ſaid Province of *New-York*, on the very Land before granted by their Majeſties to us, as though the Fee of the Land and Property was altered with Juriſdiction, which we ſuppoſe was not. The Meaſures taken to diſpoſſeſs us of thoſe Lands by repeated Writs of Ejectments, Suits at Law, Rejectment of Proof from authentic Records, refuſing a ſuitable Time and Opportunity for Collection of Evidence to ſupport and vindicate our Cauſe, contrary, (as we ſuppoſe) to the uſual Cuſtoms of the Law of the Province, ſeem to be the Grounds of our Diſcontent, and that illegal and unconſtitutional Method of Proceeding in Indicting ſundry perſons who are bound by the Law of Self and Family Preſervation to maintain their Liberty and Properties; the Uſage of thoſe intreaguers that would Monopolize our Intereſts to themſelves by ſuch irregular Steps.---

" Their Methods of breaking by Violence, Houſes for Poſſeſſion, and to obtain thoſe whom they are pleaſed to denominate riotous, tumultu-

ous

ous and diſorderly, their firing on thoſe People, and wounding innocent Women and Children, to compaſs their Deſigns, may have occaſioned ſome very diſagreeable and unhappy Diſturbances among the Friends of Mr. *Remember Baker*, reſiding on the *New-Hampſhire* Grants, which we ſuppoſe your Excellency has been pleaſed to mention illegal. The foregoing is an exact Account of our hitherto Ideas of the State of the preſent Caſe, and on this Footing we muſt cloſely adhere to the maintaining our Property, with a due Submiſſion to your Excellency's Juriſdiction, and if we ſhould, through Ignorance or Inadvertency, have hitherto miſunderſtoood either your Excellency, or the Occaſion of your Excellency's Requeſt, we beg the Favour to be undeceived. The Perſons choſen to preſent theſe Lines we hope may give your Excellency ſome further Satisfaction.

" We flatter Ourſelves from the Candor of your Excellency's favourable Letter, that you will be friendly diſpoſed toward us; and we moſt earneſtly pray and beſeech your Excellency would aſſiſt to quiet us in our Poſſeſſions, till his Majeſty in his royal Wiſdom ſhall be graciouſly pleaſed to ſettle the Controverſy. Should your Excellency Grant this our humble Requeſt, our Satisfaction would be inexpreſſible.

" Therefore, confidently truſting in your Excellency's Wiſdom and Clemency, as Members of your Province, as loyal and ſubmiſſive Subjects

to

to his Majeſty, we beg Leave to Subſcribe ourſelves your Excellency's faithful, obedient, and very humble Servants.

A true Copy of the Anſwer to Excellency's Letter of the 19th of May laſt.

Bennington, 5th June, 1774.

To His Excellency,

WILLIAM TRYON, Esquire, &c.

May it pleaſe your Excellency,

WE, His Majeſty's loyal Subjects, whoſe Names are to this Piece affixed, Inhabitants on that Tract of Land, your Excellency diſcribes by the Name of *Bennington*, and the adjacent Country, &c. and who was by your Excellency's Letter of the 19th of May laſt, prohibited the Privilege of going to *New-York*, and perſonally vindicate either ourſelves or Country, before your Excellency, and being put to the Extremity of informing your Excellency by Writing, the Reaſon of our Diſcontent, and alſo of our Behaviour, which we ſhall more largely ſet forth, than is in the foregoing general Anſwer to your Excellency's Letter; and alſo exhibit more Arguments deduced from Reaſon and the Nature of Things, we hope your Excellency will be graciouſly pleaſed to view this our Defence with that Tenderneſs and Candor a Gentleman in ſo elevated a Station ſhould do, and therefore beg Leave to obſerve, that as on the one Hand, no Conſideration whatever, ſhall induce us to remit in the leaſt, of our Loyalty and Gratitude to our moſt gracious Sovereign, nor of a reaſonable Submiſſion to your Excellency;

Excellency; ſo on the other Hand, no tyrannical Exertions of the Powers of Government, can deter us from aſſerting and vindicating our undoubted Rights and Privileges as Engliſhmen. We expected an Anſwer from your Excellency, to our humble Petition to you delivered ſoon after your Excellency's Acceſſion to the Adminiſtration of the Government, but for Reaſons to us unknown, your Excellency paſſed it by in Silence. However, we chearfully embrace this Opportunity of laying before your Excellency in Council the true State of our Controverſy, which we can no otherways do, but by abſorbing our perſonal Diſtinction into the Community, and general Cauſe, to which we have obtained the Character of faithful. We aſſure your Excellency that we aſſent to your Authority of Juriſdiction inaſmuch as his Majeſty's Proclamation aſſures us it is his Will and Pleaſure we be under the Juriſdiction of *New-York*, and not only now Aſſent to it, but have ever done the ſame, except in Inſtances where ſuch perverſe Uſe has been made thereof, as would diſpoſſeſs us of our Property and Country, we are truly deſirous, and petitioning his Majeſty to re-annex us to the Province of *New-Hampſhire*. But this is not the Ground of our Diſcontent, or at leaſt is far from being the principle Ground of it, though it was done *ex parte*, and we apprehend there were more or leſs wrong Repreſentations made to his Majeſty, to obtain the Juriſdiction: However, it is the unreaſonable and unconſtitutional Exerciſe of it that is the preſent Bone of Contention---our Properties are all at Stake; this we contend for, as the following known

Facts

Facts will demonſtrate. A certain number of deſigning Men in *New-York* (and elſewhere) procured Patents under the Great Seal of that Province, and thoſe Grantees being non-reſidents, brought ſundry Writs of Ejectment againſt the *New-Hampſhire* Settlers on the ſame Land, covered by both Patents as aforeſaid, and obtained Judgment againſt them, and proceeded further and took out Writs of Poſſeſſion, and actually diſpoſſeſſed ſeveral of them by Order of Law, of their Houſes and Farms, leaving them to ſuffer the Inclemency of the Weather, bereaved of all the Neceſſaries of Life, their new Maſters having monopolized their earthly ALL, to themſelves. Theſe indigent Families having in the firſt Place expended their ſeveral Fortunes, in bringing their Farms out of a wilderneſs State, into that of fruitful Feilds, Gardens and Orchards; the whole Country conſiſting of more than Fifteen Hundred Families, was greatly alarm'd at the Event which had already began to take Place, was in the greateſt Conſternation, each Individual, from theſe Inſtances, reading their own intolerable and univerſal Deſtruction.----Still the Writs of Ejectment came thicker and faſter, and univerſal Slavery, Poverty and Horror, emblematically appeared in every Countenance.

" Thus, things having come to this Paſs, the Oppreſſion was too great for human Nature, under Engliſh Conſtitution, to grope under, for thoſe unparrallelled Inſtances ſtruck an infinitely more terrible Idea, than that of the Exertion of the Powers of Government.

" Laws

" Laws and Society-compacts, were made to protect and ſecure the Subjects in their peaceable Poſſeſſions and Properties, and not to ſubvert them. No Perſon or Community of Perſons can be ſuppoſed to be under any particular Compact or Law, except it pre-ſuppoſeth, that that Law will protect ſuch Perſon or Community of Perſons in his or their Properties, for otherways the Subject would by Law be bound to be acceſſary to his own Ruin and Deſtruction, which is inconſiſtant with the Law of Self-preſervation; but this Law being natural as well as eternal, can never be abrogated by the Law of Men.

" We would acquaint your Excellency, that ſince our Misfortune of being annexed to the Province of *New-York*, Law has been rather uſed as a Tool (than a Rule of Equity) to cheat us out of the Country, we have made vaſtly valuable by Labour and Expence of our Fortunes.--We conclude theſe Things are yet unknown, or in a great Meaſure ſo to your Excellency, as your Excellency's Commencement to the Adminiſtration, hath not been long, and a Set of artful, wicked Men, concealing the Truth from your Excellency, purpoſing to make a Booty of us, characterizing us, (ſpeaking of our Inhabitants in general) as ſo many Rioters if not Rebels; and we being a poor People at a great Diſtance from your Excellency's Place of Reſidence, fatigued in ſettling a Wilderneſs Country, have little or no Opportunity of acquainting your Excellency of our Greivances, except by one ſhort Petition delivered to your Ex-

cellency ſoon after your firſt taking the Adminiſtration---and as our Cauſe is repreſented before his Majeſty and Council, we did not expect your Excellency to determine the Controverſy, nor do we yet expect it. We are ſenſible thoſe Men that ſeek our Ruin, thereby to enrich themſelves, do by Stratagems of every Kind, repreſent us to your Excellency as Breakers of the Peace, and Enemies to the Government; and under this Pretence they hope to catch a Number of the boldeſt of our Inhabitants, and puniſh them in the *New-York* Inquiſition, with that Severity that the Reſidue may be frightened out of both Liberty and Property; for otherways they would ſoon be indicted Rioters, and thus under Colour of puniſhing Rioters, and a Zeal of Loyalty and Veneration for good Government, rob the Inhabitants of their Country. If we do not oppoſe the Sheriff and his Poſſy, he takes immediate Poſſeſſion of our Houſes and Farms, if we do, we are immediately indicted Rioters; and when others oppoſe Officers in taking ſuch their Friends ſo indicted, they are alſo indicted and ſo on, there being no End of Indictment againſt us ſo long as we Act the bold and manly Part, and ſtand by our Liberty.----

" This is a ſhort Sketch of the diſingenuous Cunning of Meſſieurs *Duane*, and *Kemp*, and their Aſſociates; and it comes to this at laſt, that we muſt tamely be diſpoſſeſſed, or oppoſe Officers in taking Poſſeſſion, and as a next neceſſary Step, oppoſe taking of Rioters ſo called, or run away like ſo many Cowards, and quit our Country to a Number

ber of cringing, polite Gentlemen who have ideally poſſeſs'd themſelves of it already.

" As to ſundry Men who have eloped lately from our Grants, and fled to *New-York* for Protection, Self-preſervation neceſſitated us to treat ſome of them roughly; and others, viz. *Ebenezer Cowle*, and *Jonathan Wheat*, of *Shaftſbury*, fled to *New-York*, on Account of their own Guilt, not being hurt or threatened. Would Time permit we could give a rational Account for moſt, or all of our late Conduct towards theſe Men. The general Reaſon is this, namely, they were a Set of Men that loved themſelves, and not their Country, they buſied themſelves in planning and aſſiſting to take Rioters ſo called. In fine, they were the Emiſſaries of that mercenary Core of Yorkers, and did more in Oppreſſing the People, than their prepoſterous Benefactors.

" The Aſſault made upon Mr. *Baker* at Day break, of the Night of the 22d of March laſt, by a Number of Ruffians under the Command of the infamous *John Munro*, Eſq; was a notorious Riot, and gave Energy and Motion, to the ſubſequent Acts, your Excellency denominates illegal. This *Munro* and his bloody Party, by cuting, wounding and maiming, Mr. *Baker*, his Wife and Children, in ſuch an inhuman and Savage Manner, was no leſs than proclaiming himſelf in a moſt public Manner to be a malicious and bloody Enemy, not only to Mr. *Baker*, but alſo to all thoſe Men on our Grants, who manfully adhere to maintaining Li-

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berty and Property, and inaſmuch as the murtherous Villian is alive, he has no Cauſe of Complaint ---for after his Aſſault upon Mr. *Baker*, he made another Aſſault upon Mr. *Seth Warner*, but not having ſo ſtrong a Party of Ruffians with him as in his other Expedition, it was not attended with the like Conſequences, for Mr. *Warner*, ſtruck his Head with a dull Cutlaſs, and levelled him to the Ground, but the Blow proved not Mortal, and after this, for his Satisfaction for the Wound, threatened the Lives of a Number of the *New-Hampſhire* Settlers.---Your Excellency will undoubtedly conſider as our Opponents have had the Manufactory of the Civil Laws ſo much under their Power, that this mercileſs Man could not be brought to Juſtice, nor could others among us be ſafe any other Way, but by uſing him in his own Play, he ſet the Example, and enraged the People to mimick him from that natural Principle of Juſtice in every Man's own Breaſt.

" As to the perfidious and treacherous *Biſs Willoughby*, he always pretended to be a Friend of the ſaid *Baker's*, and *Baker* had ever been truly a Friend of his---this Hypocrite, two Days before *Baker* was taken, made a frivilous Excuſe of Buſineſs, went to ſaid *Baker's* Houſe, viewed the Strength of it, perceived *Baker* was ſomewhat careleſs and ſecure, and made Report to the ſaid *Munro*. In fine, *Willoughby* was the Planner and Inſtigator of that ſavage Cruelty exerciſed to ſaid *Baker*, which was perpetrated and brought into Action by the deteſtible ſaid *Munro*. But to deſiſt, as to the Hiſtory

Hiſtory of our late tranſaction, whether they be all Right or not, we on our Part have a few Arguments & Conſiderations more to lay before your Excellency, as to the Cauſe of our Diſcontent, as well as to the Cauſe of our late Actions your Excellency denominates illegal.

" The Alteration of Juriſdiction in 1764 could not effect private Property: Surely his Majeſty by this Alteration, did not purpoſe to take away the perſonal Property of a large Number of his loyal Subjects, and tranſfer it to other Subjects; the Engliſh Conſtitution will by no Means admit of this, for the tranſferring or alienation of Property is a ſacred Prerogative of the true Owner.---Kings and Governors cannot intermeddle therewith. Furthermore Your Excellency & Council muſt needs be acquainted that we have a Petition lying before his Majeſty and Council, for Redreſs of our Grievances. That is an impartial Board; pray why may it not be determined there? For the very indentical Matters in Diſpute, are now and for ſeveral Years paſt, have been lying before that Court, except the Accuſations of Riotouſneſs, Diſorderly, &c. which is improved as a Handle to ſubvert Property, and that only.

" Furthermore, in the Time of Sir Henry Moor's Adminiſtration, his Majeſty was pleaſed to lay the Government of *New-York*, under abſolute Prohibition not to grant or patent any of the Lands antecedently granted under the Great Seal of the Province of *New-Hampſhire*, and Furthermore

more forbid the Government to diſturb or moleſt the Settlers. This rightly underſtood, amounts to a Supercedies over the Authority of Common Law, and abſolutely controuls the Cognizance thereof. As to the particular Matters in the Prohibition ſet forth, or Matters lying before his Majeſty by Petition, the Import of the Prohibition muſt needs be thus; Namely, that his Majeſty, by it informs the Government of *New-York* that he has taken the Controverſy to him made known by Petition, under his Royal Conſideration, and that, after due Information and Evidence of the State of the Caſe, determines to ſettle the Controverſy; conſequently forbids the Government taking Cognizance thereof; and Common Senſe teaches us that under ſuch Prohibition, if a Judgment at Common Law be ſuppoſed to be valid, it would invalidate the Authority of the Crown, and ſubvert and overthrow the Authority of the Kingdom, as it would render the Prohibitions of the Crown perfectly impertinent. Therefore Common Law, in the Caſe before us, is not cloathed with Cognizance of this Caſe, much leſs with Authority to diſpoſſeſs us; conſequently every Party of Men that have with Officers or otherwiſe, come into theſe Parts to diſpoſſeſs us, came in open Defiance and direct Oppoſition to his Majeſty's Orders and Authority: And tho' they ſtile us Rioters, for oppoſing them, and ſeek to catch and puniſh us as ſuch, yet in Reality, themſelves are the Rioters, the tumultuous, diſorderly, ſtimulating Faction, or, in fine, the Land-robbers; and every violent Act they have done to compaſs their Deſigns, tho' ever

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ſo much under Pretence of Law, is in Reality a Violation of Law, and an Inſult on the Conſtitution, and Authority of the Crown, as well as to many of us in Perſon, who have been great Sufferers by ſuch inhuman Exertions of pretended legality of Law.---Right, and Wrong, are eternally the ſame to all Periods of Time, Places and Nations, and colouring a Crime with a ſpecious Pretence of Law, only adds to the Criminality of it; for it ſubverts the very Deſign of Law, proſtituting it to the vileſt Purpoſes. Can any Man, in the Exerciſe of Reaſon make himſelf believe that a Number of Attornies and other Gentlemen, with all their Tackle of Ornaments, and Compliments, and French Fineſſe, together with their boaſted Legality of Law, that theſe Gentlemen have juſt Right to the Lands Labours and Fortunes of the *New-Hampſhire* Settlers? Certainly they cannot. Yet this is the Object in View by that mercenary Fraternity.

" We do not ſuppoſe, may it pleaſe your Excellency, we are making Oppoſition to a Government, as ſuch; it is nothing more than a Party, chiefly carried on by a Number of Gentlemen Attornies (if it be not an Abuſe to Gentlemen of Merit to call them ſo) who manifeſt a ſurprizing and interprizing Thirſt of Avarice after our Country, but for a Collection of ſuch Intreaguers, to plan Matters of Influence of a Party, ſo as eventually to become Judges in their own Caſe, & thereby cheat us out of our Country, appears to us ſo audaciouſly unreaſonable and tyrannical that we view it with the utmoſt Deteſtation and Indignation,

on, and our Breaſts glow with a martial Fury to defend our Perſons and Fortunes from the Ravages of thoſe that would Deſtroy us; but not againſt your Excellency's Perſon or Government.

" We are fully perſwaded your Excellency's Ears have been much abuſed by ſubtle and deſigning Men, for we are informed from credible Authority, your Excellency has lately made Application to your Aſſembly to raiſe an armed Force to ſubdue us, but that the Motion was negatived: We apprehend your Excellency views us as oppoſing your Excellency's Juriſdiction, and that the violent Acts, by us done, was in Rebellion to his Majeſty's Authority, or your Excellency had never propoſed the ſubduing of us; We are morally Certain we can convince your Excellency, that it is not ſo; but that on the other Hand Meſſieurs *Duane*, *Kemp*, and their Aſſociates are the Aggreſſors.

" We have choſen two Men from among us, viz. Capt. *Stephen Fay*, and Mr. *Jonas Fay*, to treat with your Excellency in Perſon, who we hope will Anſwer ſuch Queries, and give your Excellency the Satisfaction you hope for.

" We view your Excellency as our Governor and political Father, and hope and expect, from the Sincerity and Candor of your Excellency's Letter, you will be friendly and favourably diſpoſed towards us, when your Excellency by theſe Lines perceive the Grounds of our Diſcontent; For

For we are Conſcious that our Cauſe is good, and that it was Oppreſſion which has been the Ground of our Diſcontent, and that Self-preſervation hath hitherto urged us to the Meaſures lately taken. And we now earneſtly intreat your Excellency's Aid and Aſſiſtance to quiet us in our Poſſeſſions and Properties, till his Majeſty in his royal Wiſdom Settle the Controverſy: If your Excellency ſhould do this, there would be an End of Riots, ſo called, and our Tongues unable to expreſs our Gratitude to your Excellency for ſuch Protection.

"THEREFORE, relying on your Excellency's great Wiſdom and Goodneſs, as Members of your Government, his Majeſty's loyal and liege Subjects, we ſubſcribe Ourſelves your Excellency's ever faithful and humble Servants,

ETHAN ALLEN,
SETH WARNER,
REMEMBER BAKER,
ROBERT COCHRAN.

An Encomium on his Excellency Governor Tryon, and his Majeſty's Honourable Council of the Province of New-York.

Copied from the CONNECTICUT COURANT.

WHEREAS the Inhabitants of the Lands Weſt of *Connecticut* River, who purchaſed their Lands of his Majeſty's Government of *New-Hampſhire*, who on the Faith of Government, and full Reliance on the Veracity of Charters under the Great Seal of that Province, have ſettled, cultivated, and made great Improvements thereon;

which Tract of Land, in the Year Seventeen Hundred and Sixty-Four, his Majeſty was pleaſed to annex, the Province of *New-York*. And whereas, ſubſequent thereto, a Number of mercenary & litigious Gentlemen of the Province (and principally of the City) of *New-York*, procured Patents under the Great Seal of that Province, & covered ſundry Townſhips the ſame identical Land, antecedently granted under the Great Seal of the Province of *New-Hampſhire*. And whereas many vexatious Lawſuits, and clandeſtine and oppreſſive crown Proſecutions, have been craftily, ſubtilly, and with a Deſign to over-awe, abuſe, terrify, and impoveriſh the ſaid Inhabitants, hath been militated, deviſed and proſecuted againſt them, by the Influence of the Gentlemen aforeſaid, purpoſing by ſuch baſe and oppreſſive Meaſures of Policy, to defraud and wrong the ſaid Inhabitants, out of the Poſſeſſion and Property of their Country. And in order to elude & defeat ſuch their diſingenuous and vicious Policy, the ſaid Inhabitants mutually agreed to oppoſe *New-York* Officers, in their Attempts to take Rioters, ſo characterized, and take every other requiſite, lawful and effectual Method to defend their Property.

" And Matters having come to this, that Hoſtility, Revenge and Hatred, had began to put on their bloody, murtherous, and vengful Emblems----In which propitious Hour, his Excellency WILLIAM TRYON, Eſq; Governor of the Province of *New-York*, ſent the ſaid Inhabitants a kind, lenient and generous Letter, which breathed forth

rather

rather the Affections of a Father, than a hard-hearted Judge; requeſting the ſaid Inhabitants to exhibit to him in Council, the Grounds of their Diſcontent and Uneaſineſs, and the Cauſe of their violent and illegal Proceedings; aſſuring them, that they ſhould be heard with Candor in the Premiſes, and have ſuch Relief as the Nature and Circumſtances of their Caſe ſhould juſtify.

"UPON which the Town of *Bennington*, and the adjacent Towns, by their Committees, met at *Bennington*, and ſent a written Anſwer to his Excellency's Letter, informing him of the State of the Controverſy, and withal of the Ground of their Uneaſineſs and Diſcontent, and the Cauſe of their Proceedings; and alſo made Choice of Captain *Stephen Fay*, and Doctor *Jonas Fay*, of *Bennington*, to go to *New-York*, and deliver the written Anſwer to his Excellency, and further inform him as to the State of Facts, and negotiate the Matter of our Petition; (though not with Power to compleat a Settlement on our Part.) His Excellency received the Agents with Expreſſions of Kindneſs---laid the State of Grievances before His Majeſty's honourable Council, who after mature Conſideration, determined in the following Words: "The Committee are deſirous your Excellency ſhould afford the Inhabitants of thoſe Townſhips, all the Relief in your Power, by ſuſpending, till his Majeſty's Pleaſure ſhall be known, all Proſecutions in behalf of the Crown, on Account of the Crimes with which they ſtand charged, by Depoſitions before us, and to recommend it to the Owners of the con-

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teſted Lands under Grants from this Province, to put a Stop, during the ſame Period, to all civil Suits concerning the Lands in Queſtion."

AFTER our Agents received Copies of the Minutes of Council, and alſo a Letter from his Excellency, purporting his Approbation and Compliance therewith, they retired to *Bennington* with great Joy---warned a Meeting of that Town and the adjacent Country, which was held on the 15th of July Ultimo; and before a large Auditory of People, the Copy of the Minutes of Council was read, and alſo his Excellency's Letter of Compliance to the ſame, which defuſed univerſal Joy through the Country of the *New-Hampſhire* Grants, and the People were at Strife in doing the moſt exalted Honour to Governor *Tryon*. And having at *Bennington* a Cannon, it was diſcharged ſundry Times in Honour to his Excellency and his Majeſty's honourable Council, and after the Report of the Cannon, each ſeveral Time, the whole Audience gave a Huzza! in Acclamation, Good-will, Gratitude and vocal Honour to Governor TRYON, and Capt. *Warner's* Company of GREEN MOUNTAIN-BOYS under Arms, fired three Vollies of ſmall Arms, in Concert and Aid of the Glory.

"HIS Majeſty's Health, alſo a Health to his Excellency, and his Majeſty's honourable Council was drank, with full flowing Bowls, and Confuſion to all the *New-York* Land-jobbers, hoping Peace, Liberty and Plenty may abound. Dated Auguſt 22d, 1772.

From

From the CONNECTICUT COURANT.

His Excellency Governor TRYON's Letter to the Inhabitants of *Bennington*, &c.

Albany, 11*th Auguſt*, 1772.

GENTLEMEN,

"AT the ſame Time I expreſs to you my Satisfaction by the Opportunity of Mr. *Fay*, on the grateful Manner in which you received and accepted the lenient Meaſures preſcribed by this Government, for your peaceable Conduct until his Majeſty's Pleaſure ſhould be known, reſpecting the diſputed Claim to Lands within this Government. I cannot conceal from you my high Diſpleaſure at the Breach of Faith and Honor, made by a Body of your People, in diſpoſſeſſing ſeveral Settlers on *Otter Creek*, and its Neighbourhood, of their Poſſeſſions, during the very Time the Commiſſioners you appointed to attend on me at *New-York*, were waiting the Determination of Government on your Petition, that you might remain unmoleſted in your Poſſeſſions, until the King's Pleaſure be obtained. Such diſingenuous and diſhonourable Proceedings, I view with great Concern, conſidering them as daring Inſults to Government, a Violation of public Faith, and the Conditions granted to you on Petition. To prevent therefore the fatal Conſequence that muſt follow ſo manifeſt a Breach of public Confidence, I am to require your Aſſiſtance, in putting forthwith thoſe Families who have been thus diſpoſſeſſed, into Re-poſſeſſion of their Lands and Tene-

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ments, in the ſame Manner in which they were at the Time Mr. *Fay* and his Son, waited on me at *New-York*. Such a Conduct on your Part, will not fail of recommending your Situation to his Majeſty, and inſure a continuance of my friendly Intentions towards you.

WM. TRYNN.

To the Inhabitants of Bennington, *and the adjacent Country.*

Bennington, Auguſt 25th, 1772.

To His EXCELLENCY,

WILLLIAM TRYON, ESQUIRE, *&c.*

" *May it pleaſe your Excellency,*

WE his Majeſty's leige and loyal Subjects, Inhabitants of *Bennington*, and the adjacent Country, have received your Excellency's Letter, of the 11th of Auguſt Inſtant, by which we are inform'd of your Excellency's high Diſpleaſure towards us, by Reaſon of a Body of our People's diſpoſſeſſing ſeveral Settlers on *Otter-Creek*, and its Neighbourhood, of their Poſſeſſions, during the very Time our Meſſengers attended on your Excellency at *New-York*, and were waiting the Determination of Government, on our Petition, that we might remain unmoleſted in our Poſſeſſions, till the King's Pleaſure could be obtained. Your Excellency further informs us, that you Look on our late Proceedings with great Concern, viewing them as daring Inſults to Government, a Violation

of

of public Faith, and the Conditions granted to our Petition. We would with proper Submiſſion, give your Excellency and Council, a ſhort Narrative of Facts, with a few Reflections and Reaſons thereon. And,

"FIRST, we would obſerve, That our Meſſengers your Excellency ſtiles Commiſſioners, was not authorized to eſtabliſh, and compleat Articles of public Faith for their Conſtituents. The Buſineſs aſſign'd them, was to deliver the written Petition, and inform your Excellency and Council of the Facts of the Controverſy ſubſiſting, and further negociate and forward the Matter of our Petition, and return to us the Determination of Government, reſerving to Ourſelves the Power of aſſenting to, or diſſenting therefrom, tho' true it is, when the Articles of amicable Settlement, or Order of Government was read at a public Meeting held at *Bennington*, on the 15th Day of July Ultimo, the ſaid Order and Propoſals were univerſally complied with by thoſe preſent: From which Time we reaſonably Compute the Date of public Faith, and ſacred Bond of Friendſhip, but in the Interim, the Conditions of Faith was forming, and before a Ratification thereof, Mr. *Kockburn*, a noted Surveyor, unknown (as we ſuppoſe) to your Excellency, and Council, who, by the Contrivance, Aid and Employ of certain monopolizing Adverſaries of our's, took a Tour to the northerly Parts of the *New-Hampſhire* Grants, to ſurvey, and make Locations on our Land. Such Locating we view as a manifeſt Plan, and Intenti-

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on of invading our Property---the ſame as intrenching round the City, portraits a Siege thereof.

Our People having Notice of Mr. *Kockburn's* Intruſion on our Borders, rallied a ſmall Party, and purſued, and overtook him and his Party, and in their Purſuit, paſſed the Towns of *Panton* and *New-Haven*, near the Mouth of *Otter Creek*; diſpoſſeſſed Col. *Reed* of a Saw-Mill in ſaid *Panton*, which by Force, and without Colour, or even Pretence of Recourſe to Law, he had taken from the original Owners and Builders, more than three Years before, and did at that ſame Time extend his Force, Terrors and Threats into the Town of *New-Haven*; who, by the vicious and haughty Aid of Mr. *Benzell*, the fam'd Engineer, with a Number of Aſſiſtants, under their Command, ſo terrified the Inhabitants (which were about twelve in Number) that they left their Poſſeſſions and Farms to the Conquerors, and eſcaped with the Skin of their Teeth, although they had expended large Sums of Money in cutting Roads to, and ſettling in that new Country, as well as fatigued and laboured hard in cultivating their Farms: Col. *Reed* at the ſame Time, and with the ſame Force, did take Poſſeſſion of one Hundred and Thirty Saw-Logs, and fourteen Thouſand Feet of Pine Boards, which Boards were made in the ſame Mill, & all lying thereby, all which he converted to his own Uſe. Not long after, the original Proprietors of the ſaid Mill, did re-enter, and take Poſſeſſion thereof, but was a ſecond Time attacked by Col. *Reed's* Stewart, with a Number of armed Men, under his

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(ſuppoſed) Inſtructions, and by their ſuperior Force and Threats, obliged to quit the Premiſes again---all which Tenements, ſaid *Reed* occupied and enjoyed until diſpoſſeſſed, as your Excellency's Letter complains of.

But to return to *Kockburn* again. Our Party having taken him as aforeſaid, brought him to the Town of *Caſtleton*, near *South Bay*, where being firſt informed of your Excellency's Clemency as well as that of the honourable Council, in granting the Prayer of our Petition; and in Conformity to the Articles of Settlement agreed on, diſmiſſed him on honourable Terms.

This is a ſhort Narrative of Facts, for the Proof of which, ſufficient Affidavits can be educed,

We are apprehenſive your Excellency has been hitherto unacquainted with theſe Facts, and have therefore exhibited them in this Letter; although it appears ſtrange to us, according as your Excellency's own Letter ſtates the Matter, that we ſhould be ſuſpected or taxed with violation of public Faith, and that our diſingenuous and diſhonourable Violation thereof, hath nullified and made void the late amicable Settlement; for at the ſame Time your Excellency charges us with breach of Faith, and Settlement, the very Preliminaries of this Faith was not known on our Part, and conſequently could not have been complied with, the very Stipulation and Faith ſpoken of, did not then exiſt, for it muſt be the Meeting of

the Minds of the contracting Parties, which conſtitutes ſuch Faith and Agreement, and of Courſe cannot be broken before its exiſtence.

Mr. *Kockburn*'s locating our Lands in the mean Time the Preliminaries of Public Faith were forming, was at leaſt as much a Breach of that Faith, as what we are charged with. Nay, according to our Conception of the Matter, more ſo; as he made the firſt Movement towards the Invaſion of our Property.

Soon after, our Meſſengers returned from New-York, and read the Minutes of Council, and your Excellency's Letter of Compliance therewith, to a large Auditory convened at Bennington for that purpoſe, compoſed of the Inhabitants of that Place, the adjacent Country, and ſundry reſpectable Gentlemen from the neighbouring Provinces; your Excellency's gracious, wiſe, and benevolent Propoſals for ſettling Unity and Concord, in our Part of the Province, were by them preſent, unanimouſly applauded, and conceded to; and all poſſible public Teſtimonies of Honour and Reſpect, paid to your Excellency and Council, by ſundry Diſcharges of Cannon and ſmall Arms; your Excellency's Health, long Life, and Proſperity, as well as that of the honourable Council, was the Toaſt; your Name commanded Reverence and Eſteem, and your Excellency's Perſon in particular, became precious in our Eyes.

And, we do humbly aſſure your Excellency we have no Diſpoſition of Alienation of Affec-

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tions towards you, or knowingly break any Article of Publick Faith.

THERE are two Propoſitions, which are the Objects of our Attention.

" FIRSTLY; The Protection and maintaining our Property.

AND, SECONDLY; to uſe the greateſt Care and Prudence, not to break the Articles of Publick Faith, or inſult Governmental Authority.

THESE two Propoſitions, we mean ſtrictly and religiouſly to adhere to. And for the more explicit Knowledge of the Preliminaries and Conditions of Publick Faith and Truſt, we would inform your Excellency and Council, that our Acceptation of thoſe Conditions on the Part of *New-York*, is, that they make no further ſettlements or Locations on our Lands, granted under the Great Seal of the Province of *New-Hampſhire*, until his Majeſty's Pleaſure be obtained, as to the validity of the Grants: although this was not ſo fully expreſſed, yet we ſuppoſe it was implied in the Abſtract of the Minutes of Council; if it was not, we pray, your Excellency and Council would undeceive us in that Particular, for if we are deceived in this, then, on this Hypotheſis, your Excellency and Council's lenient and friendly Diſpoſition towards Us, will not for the future, (by us) be viewed as ſuch; for ſuch Locations and Settlements on our Lands, would be incompatible with Friendſhip, and a manifeſt Infringement

ment on our Property, which has all along been the Bone of Contention.

The laſt part of your Excellency's Letter to Us, contains a Requirement of our immediate Aſſiſtance in repoſſeſſing Col. *Reed*'s Tenants of ſaid Tenements. As to this Particular, had your Excellency have known by what Means Col. *Reed* obtained Poſſeſſion of them Lands and Tenements, undoubtedly your Excellency would not have required onr Aſſiſtance in repoſſeſſing him; or have viewed with Concern, our diſpoſſeſſing him, as a daring Inſult to Government: For the Caſe rightly underſtood, it appears, that his Conduct was a daring Inſult to Government, and continued Violation for more than three Years, of the Laws, Reſtrictions, Regulations, and Œconomy, both of God, and Man; a notorious Breach of the Tenth Command of the Decalogue, which ſays, "*Thou ſhalt not covet, &c.*" He coveting, did take the Saw-Mill-Logs, Boards, and alſo, the Lands, Labours, Poſſeſſions, Farms, Tenements, &c. &c. from the rightful Owners, Proprietors, and firſt Occupants thereof, without a proceſs at Law, as aforeſaid, to their Excluſion from the Premiſes more than three Years, all which Time He has been enriching Himſelf, by the improvement of their Eſtates; and, ſhould we repoſſeſs him of the Premiſes again, We ſhould become Co-Partners with Him, in his Wickedneſs. Such an Act we could not reconcile to our own Conſciences; it being apparently immoral, and moſt flagrantly Cruel and Unjuſt.

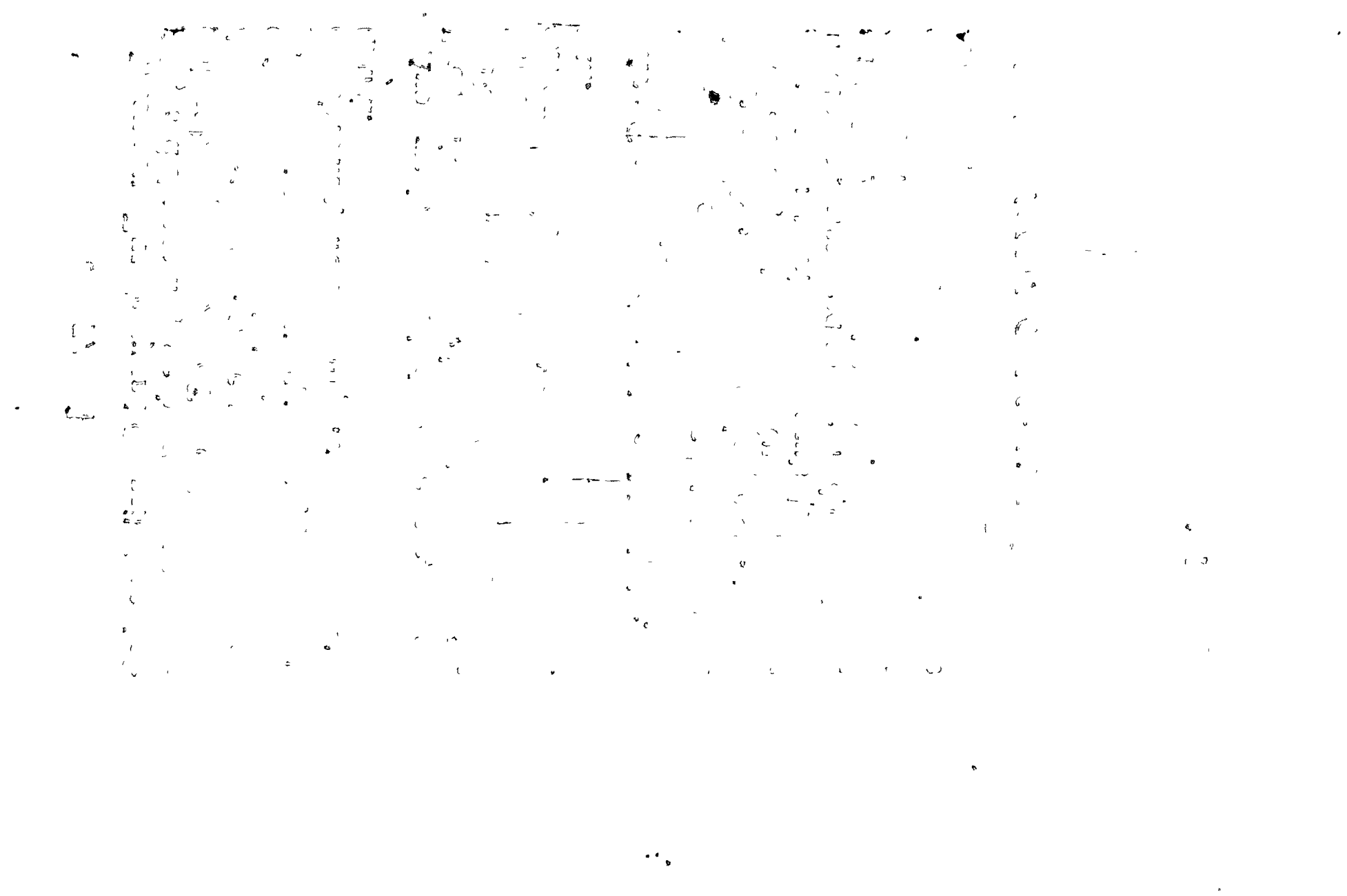
When your Excellency and Council views these Facts, and Arguments, we humbly conceive we shall not be required to repossess Colonel Reed of the Premises: Nor do we expect your Excellency and Council will adjudge us to be Violators of the late Articles of Public Faith: All which with due Submission, we refer to your Excellency and Council.

And, we do now, with due Reverence, ask the Favour of a few Lines, which may certify to us, the Determination of Government, relative to the Particulars litigated in this Paper, and remain your ever faithful and most obedient humble Servants.

At a General Meeting held at Manchester, on the 27th Day of August 1772, by the Committee of the Towns of Bennington, Sunderland, Manchester, Dorseth, Ruport, Pollet, Wells, Poultney, Castleton, Pitsford and Rutland; the foregoing Answer to his Excellency's Letter of the 11th Instant, was read to the said Committees, and the Vote was called by Mr. Nathan Clark Chairman, whether the said Answer be approved of, by the said Committees? and it was voted in the Affirmative.

Test.

ETHAN ALLEN, Clerk for said Committees.



ARGUMENTS,

Demonſtrating that the Property of the Diſtrict of LAND aforeſaid, was conveyed from the CROWN, to the NEW-HAMPSHIRE GRANTEES, by Virtue of their reſpective CHARTERS.

SECTION I.

AS the Claimants under *New-Hampſhire* rely on their Charters from that Government as the predicate and ground of their Title to the Property of the Land in Conteſt; ſo, on the other Hand, the Claimants under *New-York*, predicate and ground their Title to the ſame Land on the Validity of their Patents from *New-York*: This brings the Point in Iſſue between the reſpective Claimants to this ſingle Queſtion, namely, *Which of the ſaid Governments conveyed the Fee of the Land in Conteſt?* For it is ſelf-evident both could not. And upon exploring the Controverſy, and animadverting on the Merits of the different Claims, be it which it will that may be allowed to ſtand the Teſt, and adjudged Valid, it will of Neceſſity invalidate the other. In the Diſcuſſion of this Subject, and ſearching into the Merit of the reſpective Claims, it is neceſſary to inſpect into the Validity of the Grant from King CHARLES to the Duke of York, from which Foundation only, the Govern-

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ment of *New-York* deduce their Right of patenting the Lands in conteſt; yet the Matter of Fact is, that neither the Government of *New-York* as ſuch, or any Individual therein, has ever had any Conveyance of any Land from the Duke of *York*, nor doth any Landlord or Perſon whatever, in the Government hold the Fee or Property of their Land, by Virtue of any Conveyance from the Duke of *York*; but they hold the Fee of their Lands on a very different Footing, viz. by Conveyance from the Crown; yet, if it be conceded to, that King CHARLES gave to his Brother James Duke of York, the Fee of the Lands Weſt of *Connecticut* River, to the Head of *Delaware Bay*; and allowing the Fee to be ſtill veſted in him, his Heirs or Aſſigns, upon this Hypotheſis no Perſon in the Province of *New-York* hath the Fee or Property of the Land they poſſeſs, the Fee remaining the Property of the Duke of York, his Heirs or Aſſigns. And further, upon the ſame Principle, thoſe identical Patents under the Seal of *New-York*, which were laid on the *New-Hampſhire* Grants, are in their own Nature, equally null and void, with all other Conveyances of Land in the ſaid Province which have been given by the Crown, the Fee thereof being veſted in the Duke of York, &c. So that the Grantees under *New-York* and *New-Hampſhire*, are both, upon this Stating of the Caſe, equally deſtitute of the Fee of the Land conteſted for: But, upon this Stating, the Grantees under *New-Hampſhire*, have the Argument of Settlement, and Occupation, and Poſſeſſion, on their Side; which is abundantly ſufficient to give the Priority, and Preference of Title to them; ſo that neither the Government of *New-York* or

their

their Patentees, gain any Thing by building their Title on the ſaid Grant to the Duke of York---for if there be any Thing in it, it defeats their own Title as well as that of *New-Hampſhire*, proving too much for their Purpoſe, or nothing at all: But, if the Lands contained in the Duke of York's Grant reverted back to the Crown, then the Duke of York's Patent became extinct, null, and abſolutely void, and is as though it never had been; whether the ſaid Reverſion happened in Conſequence of the ſaid Duke's abdicating the Throne---turning Papiſt, or by any formal Surrendery, or by any Means whatever, provided the Fee became reveſted in the Crown, then the ſaid Charter became extinct, as aforeſaid: ſo that whether the Fee of the Land in Diſpute ſtill remains in the ſaid Duke of York, his Heirs or Aſſigns, or reverted, or was ſurrendered to the Crown, none of all this will in the leaſt juſtify the Government of New-York or its Patentees, in founding their Pretenſions of Title to the Lands aforeſaid, by Virtue of the aforeſaid Grant from King Charles to the Duke of York. For, take the Argument one Way, and it overturns both the Title of *New-York* and *New-Hampſhire* alſo, leaving the latter in Occupation and Poſſeſſion of the diſputed Premiſes, and that only, being intirely deſtitute of the Fee; and the *New-York* Claimants deſtitute of the leaſt Colour of Title whatſoever. But, take the Argument the other Way, viz. Provided the Fee of the Lands aforeſaid reverted and been reveſted in the Crown, then the ſaid Lands at the Time of firſt granting were crown Lands the ſame as though the Duke of *York* had never exiſted: But the Truth of the matter undoubtedly

is this, the under Proprietors all except William Penn, who had the ſeveral Countries parcelled out to them by the Duke of *York*, which was contained in his Grant; ſurrendered their Charters to the Crown, whereby *New-York* and *New-Jerſey*, became royal Governments: This then being the State of the Caſe, the Lands in Diſpute became Crown Lands, and the Governor of *New-Hampſhire*, as well as *New-York* Crown Officers, or King's Agents, and it is of no Conſequence to the King which of his Governors, grants his Land, if ſo be they be granted to, and ſettled by loyal and induſtrious Subjects, thereby adding to the Revenue of the Crown and enlarging and ſtrengthening the Kingdom: This being preſuppoſed, and admit for ſuppoſition only, that the Governor *New-Hampſhire* exceeded his proper Limits in crown Lands, muſt the Grantees who have ſettled thoſe Lands, paid one of the crown Officers for granting the ſame, and expended their ALL, in ſettling and cultivating his Majeſty's Wilderneſs Land, and who are truly loyal Subjects, be turn'd off the ſaid Land by Thouſands, and reduced to ſtarving Poverty, together with their numerous Families, becauſe one of the crown Officers either ignorantly or deſignedly impoſed upon the People by granting Crown Lands over his Bounds? This would be extreme wrong, the more ſo as it cannot be ſuppoſed that the Subjects are capable Judges of the Juriſdiction of Governments and conſequently there ſhould be the greateſt care taken to guard the Subject from injury in all Caſes of this Nature, the Truth of which will more fully appear by the following Conſiderations, viz. That notwithſtanding

withſtanding the ſuppoſed Error in granting the ſaid Lands, yet the great End of the Crown in granting of it is compleatly anſwered, and provided the Subjects i. e. the Settlers are quieted in the Fee and Poſſeſſion of the ſaid Lands, they will not be injured, ſo that upon this Hypotheſis, neither King nor Subject would ſuſtain Damage: Indeed no Perſon in the Realm could have juſt Cauſe of Complaint. True, the reſpective Governors of *New-York* may inſinuate, that upon this ſtate of the Caſe, the Governor of *New-Hampſhire* has cheated them out of their Fees for granting the ſaid Land---though it is evident, if Crown Officers are faithful to the King and Subjects, they could take no more Money for granting Crown Lands, than a reaſonable Compenſation for their Trouble, and the other Governor's being ſuppoſed to grant the Lands, ſaves the ſaid Governor of *New-York* the trouble; ſo that the Argument is brought to this ſingle Point only at laſt, that upon Suppoſition the Governor of *New-Hampſhire* exceeded his proper Limits in granting thoſe Lands, yet neither King nor Subjects are injured, (provided the Claimants under *New-Hampſhire* hold the Fee of the ſaid Land as above) except the Governors of New-York, and if they be ſuppoſed to be honeſt Men, the Trouble of granting the Land would be equal to their Fees had they granted it; ſo that they have not been injured a Whit more in this Caſe, than they may be ſuppoſed to have injured the Subjects by taking exorbitant Fees for granting the ſame Lands; which to them is no Injury at all, but a providential Check to the Excerciſe of their Avarice. So that the reſpective Governors of *New-York*, in an equitable Senſe, are no Looſers in

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this Affair; or at moſt the Privileges would be ſo very inconſiderable as to make it meer trifling to mention it, eſpecially when ſet in Competition with the ſhocking and univerſal Deſtruction that would overſpread a large Country of his Majeſty's good Subjects, provided they be diſpoſſeſſed of the Lands aforeſaid. This ſeems to be the genuine Sequel of the Argument, even upon the Yorker's own Stating it.

SECTION, II.

IT is not conceeded to on the Part of the Claimants under *New-Hampſhire*, that the Governor did in Fact exceed his proper Limits in granting thoſe Lands, the contrary will abundatly appear from the following Conſiderations, viz. Before and at the Time the ſaid Governor of *New-Hampſhire* granted thoſe Lands they were reputed to be within his Juriſdiction, this was the Opinion of both Learned and Unlearned, the Wiſe as well as Simple, thus it was univerſally planed in all ancient and modern Maps down to the Year 1764, when, by royal Determination, the Juriſdiction of *New-York*, was extended over this diſputed Diſtrict of Land: But the general Opinion before this royal Adjudication was that the Province of *New-York* extended its Juriſdiction but Twenty Miles to the Eaſtward from *Hudſon's* River, ſo general was this Opinion that the beſt Maps of the two reſpective Provinces, and the Hiſtory of *New-Hampſhire* adopted it as ſettled; it is of very great weight in the Queſtion to ſhew how univeſal this Maxim was, and that the unprejudiced and accurate Geographer Mr. *Mitchel*, in his Map compoſed ſo late

late as the Year 1755, which with great Propriety and Certainty aſcertains the ſame Limits, this Map has the more Authority as it was according to the Certificate of Mr. Pownal, Secretary to the Board of Trade, and was undertaken with the Approbation and at the Requeſt of the Lords Commiſſioners for Trade and Plantation, and is chiefly compoſed from Draughts, Charts, and actual Serveys of different Parts of His Majeſty's Colonies and Plantations in America, great Part of which have been ſince taken by their Lordſhips Orders and tranſmitted to the Office of the Governors of ſaid Colonies: This Twenty Mile Line was ſo far from being deemed unfavourable to *New-York*, that we find the Commiſſioners from that Province ſo late as the Year 1767, made an Offer to thoſe of the Maſſachuſetts-Bay to let a Line at Twenty Miles diſtance Eaſt of *Hudſon's* River be the Diviſion between their reſpective Provinces, which the latter Commiſſioners would not then agree to it, being Thought by them too much in Favour of *New-York*, ſo little it ſeems did *New-York* Commiſſioners conceive their Claim as far as *Connecticut* River could be ſupported.

Though it is true in the Year 1771 the Province of *New-York* by a publick Act of their General Aſſembly, did annex all that Part of the Province of the Maſſachuſetts-Bay, to the Weſtward from *Connecticut* River, to their County of *Albany*; and it is likewiſe true that in the Year 1773 the Governor's of the reſpective Provinces met at *Hartford* in *Connecticut* and came to a mutual Agreement to ſettle that Line at Twenty Miles diſtance

tance Eaſtward from *Hudſon's* River, which was the Hypotheſis of that Settlement, which hath ſince been ratified by His Majeſty.

THE Report of the Lords Commiſſioners for Plantation Affairs in 1753, States the following Facts, from which is neceſſarily inferred that *New-Hampſhire* extended its Juriſdiction to the Weſtward of *Connecticut* River.---"There are, ſays their Lordſhips, about 60,000 Acres of Land ſituate on the Weſt ſide of *Connecticut* River, which was purchaſed by private Perſons from *Connecticut*, to whom the Land had been laid out, by the Government of the *Maſſachuſetts-Bay* as an equivalent for two or three Townſhips which the Latter purchaſed from the Former, this Tract of Land by the determination of the Boundary Line between the Provinces of *New-Hampſhire* and the *Maſſachuſetts-Bay* in 1739 is become a Part of *New-Hampſhire*."------ Thus we have their Lordſhips Sentiments that the Juriſdiction of *New-Hampſhire* extended over Part of the very Lands in Conteſt, Weſtward of *Connecticut* River, as long ago as the Year 1739, at which Time *New-York* never dreamed of extending their Claim to *Connecticut* River.-----There is another glaring and indiſputable evidence of the former Weſtern extent of *New-Hampſhire*, viz. Relative to Fort Dummer which was Built by the Bay Province in 1724, and garriſoned at their Expence a great Number of Years; but upon its being excluded from their Juriſdiction by the Settlement of the juriſdictional Line, between them and *New-Hampſhire* in 1739, the *Bay* Province repreſented to the Government at Home, that the ſaid

Diſtrict

Diſtrict of Land and Fort *Dummer*, having been determined to be the Property of *New-Hampſhire*, they were no longer obliged to Garriſon and maintain it, and praying, That as it was neceſſary to the Defence of the Country, that *New-Hampſhire* might be directed to ſupport it. In Conſequence of which, an Order paſſed the King and Council in 1744, that the Governor and Commander in Chief of *New-Hampſhire*, ſhould forthwith move the Aſſembly, in His Majeſty's Name, to make a proper Proviſion for that Service; and at the ſame Time informing them that in Caſe they refuſed to comply with ſo reaſonable and neceſſary a Propoſal, his Majeſty would find himſelf under a Neceſſity of reſtoring that Fort, with a proper Diſtrict of Land contiguous thereto, to the Province of the *Maſſachuſett's-Bay*, who cannot with Juſtice be required to maintain a Fort no longer within their Boundary. In conſequence of this, *New-Hampſhire* did maintain this Fort, and paid a Demand of Arrears for its Maintainance, to the *Maſſachuſett's-Bay*. In the mean Time *New-York* was never a Competitor for the Burthen, willing as ſhe is to enjoy the Advantage of granting and engroſſing the ſaid Lands.

This being the Caſe, the Government of *New-Hampſhire* by the Royal Decree, was obliged to maintain Fort *Dummer*, and it being on the Weſt Side of *Connecticut* River, and on this very identical Diſtrict of Land now in Diſpute, can that Government be juſtly charged with granting Lands in the Province of *New-York*, when but a little before his Majeſty in Council had adjudged the ſame Lands to be

be in the ſaid Government of *New-Hampſhire* and ordered them to defend it, as by maintaining Fort Dummer, &c. Surely at that Time *New-Hampſhire*, did extend its Juriſdiction Weſtward of *Connecticut* River; otherwiſe the King had ordered the Government of New-York to have maintained Fort Dummer. Nothing can be more flagrantly evident, than, that the Government of *New-Hampſhire* had a Right to Grant Crown Lands where the Crown compelled them to Defend. From Hence it appears, that the Government of *New-Hampſhire* had a legal Right to grant the Lands now in Diſpute, and that, that Government and his Majeſty's good Subjects, the Grantees of, and Settlers on the ſaid Lands, acted upon honeſt and honourable Principles, in granting purchaſing, and ſettling the ſame, and on the other Hand, it appears, that the Government of *New-York* in re-granting the ſame Land, acted quite the reverſe; and the more unpardonably ſo, as they granted great Part of it, in open Defiance to His Majeſty's Authority manifeſted unto them by his expreſs Prohibition, dated the 24th Day of July 1767.

From what has been already elucidated it appears, that the Line of Juriſdiction between the reſpective Provinces was not exactly aſcertained till the 20th of July 1764; but nevertheleſs that the Adminiſtration of Great-Britain had adjudged in 1739 and confirmed in 1755, that the Government of *New-Hampſhire* extended Weſtward of *Connecticut* River, and that this was the general Senſe of the Nation (till aſcertained as aforeſaid) is real Matter of Fact.---True no Determination of His

His Majeſty or Reports of the Lords of Trade had before particularized how far the Government of *New-Hampſhire* ſhould extend Weſt of *Connecticut* River: but ſuch Determinations of their's mightily ſtrengthened the common Opinion, nay, fully confirmed it, that that Government extended Weſtward to a twenty Miles Diſtance, Eaſt from *Hudſon's* River; interſecting a parrallel Line with the Colony of *Connecticut*, and the Province of the *Maſſachuſett's Bay*, between them and ſaid Province of *New-York*. This was the Opinion both of King and Subjects at the Time the Government of *New-Hampſhire* granted thoſe Lands; and Americans could not conceive of any intermediate Boundary in one Place more than another, between *Connecticut* River and the twenty-mile Limit aforeſaid; nor had they any Apprehenſion that the Government of *New-Hampſhire* would extend to the Weſtward of that Limit. This parrallel Line took univerſal and deep Impreſſion on the Minds of Geographers; and was the Underſtanding of the Britiſh Empire; and was thus portrayed in all former Maps.----The Certainty of this general Opinion may be further illuſtrated from the Conſideration that none of the Britiſh Subjects applied to the Government of *New-York* for Grants of thoſe Lands, till after the Alteration of Juriſdiction in 1764, except it be, as is pretended by the *New-York* Scriblers, that their Government extended Patents from within the ſaid twenty mile Line acroſs the ſame, and on ſome Part of the Premiſes in Diſpute, many Years before the Government of *New-Hampſhire* granted thoſe Lands---which will

be hereafter conſidered: But, would further add, it is Matter of Diſpute whether the Adminiſtration at Home would recognize thoſe Patents granted by the Government of *New-York*, on the Premiſes aforeſaid; though antecedent to thoſe granted by *New-Hampſhire*, inaſmuch as the Royal Adjudication in 1764, could not antecedently impower the Government of *New-York* to grant them Lands, which by Royal Adjudication of the Line of Juriſdiction between *New-Hampſhire* and *Maſſachuſetts Bay*, fell within the Government of *New-Hamſhire* in 1739, as aforeſaid. However, for Argument only, we will ſuppoſe the Governments of *New-Hampſhire* and *New-York* had each of them equal Authority to grant thoſe Lands---then on this Stating the Caſe, prior granting would of Conſequence be Priority of Title. The firſt Conveyance, upon this Hypotheſis, being good and valid both in Law and Equity, muſt neceſſarily defeat any ſubſequent Grant from the Crown or its Repreſentatives, being as authentic, to all Intents and Purpoſes, as any Conveyance of the Fee of Land from the Crown can poſſibly be.---Thus it appears upon this moſt favourable Conceſſion to thoſe on the Part of *New-York*, that the Argument preponderates in Favour of the Claimants under *New-Hampſhire*, as their Grants are prior to thoſe of *New-York*, (except in the Inſtances of the old Patents, yet to be conſidered.)

FURTHERMORE, it appears by the expreſs Words of the *New-Hampſhire* Grants, that the Grantees were not only intitled to the Fee of the Lands therein

therein diſcribed, but alſo to all the Enfranchiſements, and each and every of the Privileges and Immunities that by Law his Majeſty's Subjects in the Province of *New Hampſhire* enjoy; ſo that at the ſame Time that the Grantees were veſted with the Fee of the Land, they were enfranchiſed with, and entitled to, all the Privileges and Immunities contained in their Charters; as the holding of Fairs, chooſing Town Officers, and making and mending their own Roads, &c. It is therefore humbly conceived, that provided it ſhould be the future Pleaſure of his Majeſty, to continue the ſaid Lands in the Juriſdiction of *New-York*, (which by the Settlers aforeſaid is hoped will not be the Caſe) that the Claimants and Settlers under the ſaid Grants, will nevertheleſs have his Majeſty's gracious Approbation to enjoy without Let or Moleſtation, the Privileges of Incorporation therein contained; the Grantees having ever conſidered thoſe Privileges as inſeperably connected with the Grant of the Fee-Simple.

SECTION III.

FROM the Facts and Reaſons that have been advanced in the foregoing Sections, it manifeſtly appears, that the Title of the Claimants under *New-Hampſhire* to the Lands in Queſtion is indefeaſible; yet ſtill there are ſundry Conſiderations that may ſerve more abundantly to confirm and eſtabliſh this Title beyond Heſitation. As,

FIRSTLY, The far greateſt Part of the Extent of

of Jurisdiction of the Province of *New-York*, and great Part of *New-Hampshire*, depended entirely on his Majesty's Pleasure, being wholly in the Arbitration of the Crown, to be either curtailed or extended. The real Grant on which the original Circumference of the Government of *New-Hampshire* was founded, extended but Sixty Miles from the Sea into the Country, to the Westward, terminating about Twenty Miles East of *Connecticut* River. This Government was afterwards enlarged by his Majesty's Commission to *Benning Wentworth*, Esq; Governor of that Province, directing it to extend to the Westward until it should meet with his Majesty's other Governments. Which Clause of Western Extention, in the said Commission, as well as the Royal Adjudication of the boundary Line between this Government and the *Massachusetts-Bay* in 1739, and Report of the Lords of Trade in 1755, and many Arguments mentioned in this and the foregoing Sections, all, on the Part of *New-Hampshire*, amount to sufficient Evidence, that their Government extended so far West as to interfect the parrallel Line of the Colony of *Connecticut* and Province of the *Massachusetts Bay*, as argued above. And with respect to the Province of *New-York*, it's original Northen Circumference terminated South of the City of Albany, and afterwards, as Plantations were extended Northerly, either on Patents procured immediately from the Crown, or Government, or meer Settlements on Extra-provincial Lands, Commissions from the King, to the respective Governors were enlarged, as in the Example following, viz. A. M. Esq;

Captain

Captain General, Governor and Commander in Chief in and over the Province of *New-York*, (then follows the Enlargement,) and the Territories depending thereon in America.----Theſe Territories are that Extenſion of Juriſdiction beyond their firſt circumſcribed Limits, terminating South of *Albany*, called the Province. This territorial Extenſion of Juriſdiction is altogether in the Arbitration of the Crown to curtail or extend as before repreſented. This being the Caſe, the reſpective Governors can no other Way be Judges of the Extent of their Juriſdiction, but by Directions given them in their Commiſſions, together with his Majeſty's expreſs Proclamations, and public Determinations relative thereto, as in the Inſtance of the Royal Adjudication in 1764; a Publication of which, by his Majeſty's Order, gave his Subjects to underſtand, that it was his Pleaſure that the Territorial Juriſdiction of *New-York*, ſhould extend to the Weſt Banks of *Connecticut* River, which includes the diſputed Premiſes within that Government; before this it was impoſſible for the Subjects to know it; if they could have underſtood it without his Majeſty's Proclamation certifying the ſame, ſuch Proclamation would have been needleſs and impertinent. The Truth of the Matter is, his Majeſty in 1739, determined *New-Hampſhire* Government ſhould cover the preſent diſputed Premiſes; he altered his Determination in 1764, whereby *New-York* extended it's Territories over the ſame Land. And the King has an undoubted Right to alter and regulate the Juriſdiction of Royal Governments as may ſeem to Him mete;

and

and for the *New-Yorkers* to pretend to amuſe People of common Senſe, pretending that it is the ancient and indiſputable Right of the Colony of *New York* to extend to the Weſt Banks of *Connecticut* River, as it's eaſtern Boundary, is the very Height of Folly: It was in the Nature of Things abſolutely impoſſible his Majeſty himſelf ſhould have known that to have been the Caſe the Moment before he determined it, and equally inconſiſtent that the Subjects ſhould know it before his Majeſty proclaimed it.

FURTHERMORE, it appears by the Repreſentation which was laid before his Majeſty by Lieutenant Governor *Colden*, as an Inducement to prefix the Weſt Banks of *Connecticut* River, the eaſtern Boundary of the Province of *New-York*---That they were Arguments of Conveniency, holding up to View that it would be greatly to the Advantage of the Inhabitants on the *New-Hampſhire* Grants, to be under the Juriſdiction of *New-York*; which Arguments are incompatible with the Idea of antecedent Right of Juriſdiction. Likewiſe, from hence we may ſee the Inconſiſtency of that Government or it's Patentees, in founding their Right in Fee to All or any Part of the Lands in Conteſt, by Virtue of the ſaid Royal Adjudication of the Boundary Line on the Weſt Banks of *Connecticut* River; inaſmuch as it cannot operate to their Advantage antecedent to the Date of that Adjudication, and afterward cannot be conſidered any Thing more than a mere Line of Juriſdiction between the reſpective Governments.

It ſhould be furthermore conſidered, that neither Governments were veſted with the Fee of thoſe Lands; their Caſe in this Reſpect, is quite the Reverſe to that of Proprietary Governments, who have a Right to appropriate the Soil. In Royal Governments, it is true, the Governors have a delegated Authority from his Majeſty to grant Crown Lands; and in ſuch Governments it is a Prerogative of the Crown to alter the Limits of Juriſdiction; His Majeſty hath a Right to re-annex the diſputed Premiſes to his Province of *New-Hampſhire*, (in which it formerly was, and on the Faith of which the Claimants under that Government purchaſed and ſettled the ſame Lands) or incorporate it into a new Government, or continue it under the preſent Juriſdiction, as his Royal Wiſdom may diſcern to be beſt for the governed: But, upon ſuch Alterations of Juriſdiction, private Property is never changed or ſubverted. For, if the Property of the Subject be in the Arbitration of the Crown, and liable to the ſame Viciſſitudes and Changes with Juriſdiction, this would deſtroy the very Nature of Property, and would render a King abſolute, and deſpotic, which is perfectly inconſiſtent with the Conſtitution of the Kingdom. ---Therefore, to convey or alienate Property, is the ſacred Prerogative of the rightful OWNER.---- Kings and Governors (in the Kingdom of *Great-Britain*) cannot intermeddle therewith. There is indeed as much Difference between the Change of Juriſdiction, and transfering of the Property of the Subject, as there is between Light and Darkneſs; although ſince the ſaid Royal Adjudication in

1764, the *New-Yorkers* have endeavoured to blend them together to anſwer ſiniſter and lucrative Purpoſes.---They were ſenſible, undoubtedly, that ſuch the aforeſaid Arguments were concluſive againſt their monopolizing the Fee-ſimple of ſaid Lands; and as it is very common for People, who are upon a Deſign of engroſſing the Property of their Neighbour, to ſet up ſome ſpecious Pretence of Right, to vindicate themſelves from the Imputation of Diſhonor and Reproach; ſo in the preſent Caſe, the *New-Yorkers* endeavour to draw the Curtain of the Duke of York over their Knavery, and under the feigned Character of Heirs to that apoſtate Duke, claim the Lands aforeſaid, and fancy themſelves the Owners of Towns, (Fields) and Houſes that they builded not.

REMARKS

Some REMARKS on a Pamphlet intitled, "A State of the Right of the Colony of *New-York*," &c.

HAVING finiſhed the general Narrative of the Controverſy ſubſiſting between the Claimants, under *New-Hampſhire* and *New-York*, to Lands to the Weſtward of Connecticut River; which were firſtly granted by the Former, and which, by the Determination of the Boundary-Line, between the reſpective Provinces in 1764, fell within the Juriſdiction of the Latter. And, having given the Reader to underſtand the Oppreſſions which the Government of *New-York* have exerciſed towards the Grantees and Settlers under *New-Hampſhire*, which could not have been ſo effectually done any other Way, as by tranſcribing the Letters from Governor Tryon to the Inhabitants of *Bennington*, and the adjacent Country, and their Anſwers to him, on the State of the aforeſaid Controverſy; which were publiſhed in the public News Papers, directly after they were wrote. And having alſo finiſhed three Sections of Arguments, which demonſtrate that the Fee of thoſe Lands was conveyed from the Crown to the *New-Hampſhire* Grantees, by Virtue of their reſpective Charters; the laſt Thing propoſed, is to

make

make ſome Remarks on a Pamphlet intitled, "A "State of the Rights of the Colony of *New-York*, "&c. and of the Narrative of the Proceedings ſub- "ſequent to the Royal Adjudication concerning "the Lands to the Weſtward of *Connecticut* River; "lately uſurped by *New-Hampſhire*.-----Intended "as an Appendix to the General Aſſembly's "State of the Right of the Colony of *New-York*, "(with Reſpect to its eaſtern Boundary on *Connec-* "*ticut* River, ſo far as concerns their late En- "croachments under the Government of *New-* "*Hampſhire*,) publiſhed at their Seſſion, 1773."

SECTION, IV.

ALTHOUGH the Arguments contained in the foregoing Sections are full and concluſive, relative to the Nullity and Nothingneſs of the Duke of York's Grant, at leaſt, ſuch Part thereof as concerns the preſent Diſpute; and that neither the Government of *New-York* or its Patentees gain any Manner of Title to the Land in Conteſt, by predicating it on the Validity of that Grant, yet the General Aſſembly of the ſaid Province in their State of the Rights, &c. venture the Streſs of their whole Cauſe thereon, and deduce all their Arguments of Title to thoſe diſputed Premiſes therefrom: It is therefore partly out of Compliment to ſo learned a Body of Doctors, as well as more fully to invalidate, and apparently demonſtrate, to every capable Judge, the utter Inſufficiency and Defect of Title to thoſe Lands, by Convey-

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ance from the Government of *New-York*, that the Grant of the Duke of *York* is here brought under Conſideration: And in Order thereto, it is Neceſſary that the ſecond Grant be hereinſerted, which is tranſcribed from the *New-York* Pamphlet Verbatim.

" EXTRACT of King CHARLES " the Second's Grant of the Pro- " vince of *New-York*, to his Bro- " ther JAMES, Duke of *York*.

" CHARLES the Second, by the Grace of " God, King of England, Scotland, France " and Ireland, Defender of the Faith, &c. To " all to whom theſe Preſents ſhall come, Greeting: " Know Ye, that We, for divers Good Cauſes " and Conſiderations, have, of our eſpecial Grace, " certain Knowledge and mere Motion, given and " granted, and by theſe Preſents, for us, our " Heirs and Succeſſors, do give and grant unto our " deareſt Brother, James, Duke of York, his " Heirs and Aſſigns, all that Part of the Main " Land of New-England, beginning at a certain " Place, called or known by the Name of *St. Croix*, " next adjoining to *New Scotland*, in *America*; and " from thence extending along the Sea Coaſt, unto " a certain Place called Petuaguine or Pemaquid, " and ſo up the River thereof to the furthereſt Head " of the ſame, as it tendeth Northwards; and ex- " tending from the River of Kinebeque, and ſo " upwards, by the ſhorteſt Courſe of the River

" Canada

" Canada Northwards: And all that Iſland or " Iſlands, commonly called by the ſeveral Name " or Names of Matowacks or *Long-Iſland*, ſitu- " ate, and being towards the Weſt of *Cape Cod*, " and the *Narrow Higkganſetts*, abutting upon " the Main Land; between the two Rivers there, " called or known by the ſeveral Names of *Con-* " *necticut* and *Hudſon's River*, together alſo with " the ſaid River called *Hudſon's*, and all the Lands " from the Weſt Side of *Connecticut* River, to the " Eaſt Side of *Delaware* Bay: and alſo, all thoſe " ſeveral Iſlands, called or known by the Names " of *Martin's Vineyard*, and *Nantuckes*, otherways " *Nantucket*; together with all, &c. Dated the " Twenty Ninth Day of June, in the Twenty Sixth " Year of the Reign of King *Charles* the Second."

It appears from the Sequel of the Repreſenta-tions, Narratives and Arguments contained in the *New-York* Pamphlet, that the Government of *New-York* do not pretend to any Conveyance of the Fee of the Lands in Conteſt from the Duke of *York*. But their Grand Hypotheſis is, that the Juriſdiction of their Government from the firſt Eſtabliſhment, was predicated on, and bound-ed by the deſcriptive Limits of the ſaid Grant; and conſequently, that the diſputed Premiſes was never in the Government of *New-Hampſhire*; and, that that Government never was veſted with Authority to grant thoſe Lands, and alſo conſe-quently, that the Grants by them made, are in their own Nature void. This is the Sum of the

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New-York Arguments relative to their Title to thoſe Lands. Here,

FIRST, it is neceſſary the deſcriptive Limits of the above rehearſed Charter be brought under Conſideration; which includes the Countries of *St. Croix*, adjoining *New Scotland*, *Pemaquid*, the River *Kenebeque*, and the Iſlands known by the Names of *Martin's Vineyard*, *Nantucket*, &c. All theſe Countries lying far Eaſt of *Connecticut* River, and within the actual Juriſdiction of the Provinces of the *Maſſachuſetts Bay*, *New-Hampſhire*, &c. and at preſent, not contended for on the Part of *New-York*. Their General Aſſembly, in the "State of the "Right" &c. had done well to have informed the Publick; whether their "ancient and indiſputable Right" of Juriſdiction extended to every Part of the diſcriptive Limits of the Grants aforeſaid, and if not, to which Part it was circumſcribed; and when done, and by what Authority; whether their Governors Commiſſions, at any Time, particularized and determined to what Part of the Limits of the ſaid Duke's Grant their Juriſdiction ſhould extend, more than another, or to the whole; or, whether any Royal Edict or Proclamation, had ever thus given them ſuch predicated Limits of Juriſdiction: this is abſolutely neceſſary for them to do, in Support of their Title to the Lands in Queſtion. And furthermore, it is requiſite for them to demonſtrate that thoſe Lands were actually contained in ſuch their former Limits of Juriſdiction; but, if the Government of *New-York* from Royal Determination, cannot extend Juriſdiction to any

one

one Part of the deſcriptive Limits of the Grant aforeſaid, more than to another; then, on this Hypotheſis, their Juriſdiction includes the whole Limits contained in the Grant, or none at all; that it includes the Whole, will not be pretended, and that any Part, as predicated on them Limits, cannot be made to appear: But on the contrary, it appears His Majeſty and Council had no Reference to any Part of the Limits of this Grant, in determining the Boundaries of the Juriſdiction of *New-York* in 1764, as may appear from the Royal Order itſelf, an Extract of which is as follows: "His Majeſty with the Advice of his Privy Council, doth "Order and Declare, That the Weſt Banks of the "River *Connecticut*, from where it enters the Province of the *Maſſachuſetts Bay*, as far North, as "the Forty-fifth Degree of Northern Latitude, to "be the Boundary between the ſaid two Provinces"-----that Parrallel of Latitude is alſo eſtabliſhed it's North Boundary, &c. The Source of *Connecticut* River is ſuppoſed to be ſomething to the Northward of Latitude Forty-Five, and comes much from the North-Eaſt, a conſiderable Diſtance after it paſſes that Latitude; but it is notorious, that the Source of *Hudſon*'s River is far South of it; ſo that by comparing the deſcriptive Limits of the Duke of York's Grant, with thoſe expreſſed in the Royal Order, they will be found to be materially different. The Limit of that Part of the Duke's Grant, which reſpects the preſent Arguments, is in the Words following: "Together alſo "with the ſaid River called *Hudſon*'s River, and all "the Lands from the Weſt Side of *Connecticut* River

to

" to the East Side of *Delaware Bay*;" which Limit, in any possible Construction of it, can include but Part of the disputed Premises, (which said Premises extend and are bounded on the Forty-fifth Degree of North Latitude,) as will more fully appear in a further Discussion of that Line. But,

First, it is manifest that the King and Privy Council, in determining the Extent of the Jurisdiction of the Province of *New-York*, did not proceed upon the Idea of that Government's having any antecedent Right of Jurisdiction to those Lands. Had that been the Case, the Royal Order had been predicated on the Boundary Lines of the Duke's Grant aforesaid, and could not have comprehended any more Land than " from the West Side of *Connecticut* River to the " East Side of *Delaware* Bay;" and these Bounds are so loose, vague, and indeterminate, that it is altogether impossible to found a Line of Jurisdiction thereon, as will more abundantly appear by the following Observations on the discriptive Limits thereof, which may be seen at Large in the fore Part of this Section. Therefore, such Part only, as is necessary for the Consideration of the indeterminate Bounds, before spoken of, is here recited; which, after describing the Situation of *Long-Island*, and that it abuts upon the Main Land " between the two Rivers there called or known " by the several Names of *Connecticut* and *Hudson's* " River," begins the Discription under Consideration, " together with the said River called *Hudson's* River." Observe, that as the Description

of

of this River is not immediately connected with any foregoing or following Diſcriptions in ſaid Grant; nothing more can poſſibly be included in it, but a Diſcription of the River only, excluſive of one Foot of Land on either Side. The ſecond Diſcription "and all the Land from the Weſt Side "of *Connecticut* River to the Eaſt Side of *Delaware* "Bay." The beſt Mathematician on Earth cannot aſcertain theſe Limits, except upon arbitrary Principles, as there can be no prefixed Place on *Connecticut* River where to erect the firſt Bounds; and as to any particular Place on the "Eaſt Side "of *Delaware* Bay," where to erect a Second, is altogether undetermined in this Diſcription: But, inaſmuch as it includes all the Land from the Weſt Side of *Connecticut* River, &c. there is a little better Foundation to eſtabliſh the firſt Bounds than the Second. It ſeems in order to include All as aforeſaid, it would be neceſſary to extend either to the Head of the River, or to the moſt Northerly Extention of the whole Stream, to make the firſt Bounds; and provided this imaginary Bounds ſhould extend North of the Forty-fifth Degree of Northern Latitude, it would ſo far exceed the Settlement of the Line in 1764. Be this as it will, the moſt Northerly Part of the River, which would moſt likely be the Head, would be the moſt favourable on the Part of New-York, for to eſtabliſh a firſt Bounds, and from thence to extend a ſtrait Line to ſome Place on the Eaſt Side of *Delaware* Bay; this is ſomething of a natural Conſtruction, on the indeterminate deſcriptive Limits aforeſaid, without exploring *Connecticut* River, which in this

Caſe

Caſe is neceſſary. And, Firſt, in tracing ſaid River to its Source, it is found towards it's Extremity, to come much out of the North-Eaſt. This being the Caſe, a ſtrait Line from it's Head to *Delaware* Bay, would croſs ſaid River and include a large Tract of Land on the Eaſt Side, and perhaps croſs the River ſundry Times; the Conſequences may be drawn thus, that where the Line may be ſuppoſed to croſs the laſt Time, ought to be the firſt real North Boundary, of the "ancient and indiſ-"putable" Limit* of Juriſdiction of *New-York*. For, if the Bounds at the Head of the River before ſpoken of, be ſo eſtabliſhed, it would include conſiderable Land on the Eaſt Side of the River, within the old Boundary of New-York, which is contrary to any Idea to be gained from the diſcriptive Limit aforeſaid, viz. "and all the Land "from the Weſt Side of Connecticut River, &c." Still it may be queried whether there may not be another propoſed firſt Boundary better purporting with the Diſcription of "And all the Land from "the Weſt Side of Connecticut River to the Eaſt "Side of *Delaware* Bay," between the Head of the River, and the Place where the imaginary Line was ſuppoſed to paſs? To this it may be anſwered, that a Place between theſe two, ſo far up the River as in tracing a ſtrait Line from thence, to *Delaware* Bay, would not croſs the River, may better agree with the above Diſcription: Still, from none of theſe imagined Lines, from the different imagined Bounds, or from any other projected, poſſible, firſt Bounds, can ſuch a ſtrait Line be aſcertained, till the Place for the South-Weſtern Boundary on the

" Eaſt Side of *Delaware* Bay" be eſtabliſhed? And the Vagueneſs of the diſcriptive Limit is ſo great, that it cannot be determined whether that Bounds ſhall be at the Northern Extremity of the Eaſt Side of *Delaware* Bay, or at the Southern, where it communicates with the main Ocean, or at any other intermediate Place between theſe two: ſo, that from the uncertainty of the ſecond Bounds, it is impoſſible to eſtabliſh the firſt, ſo as exactly to include " all the Land from the Weſt Side of the ſaid River to the Eaſt Side of ſaid Bay," and no more. And,

THUS it is demonſtrated from the Vagueneſs, Uncertainty and Obſoleteneſs of the diſcriptive Limits of the Grant to the Duke of York, before quoted at large; that it is in the Nature of Things abſolutely impoſſible to aſcertain it. From hence follows a Second neceſſary inference, viz. That it is equally impoſſible and contradictory, that governmental Juriſdiction ſhould be predicated thereon; for an ideal uncertain Juriſdiction, in its own Nature incapable to be determined, is in reality none at all. And from hence follows a Third Inference which determines the Sequel of the Argument, on the Subject of Property, concerning the Lands in Queſtion, to be in Favour of the Claimants under *New-Hampſhire*: For, it is in the laſt Place, equally contradictory and impoſſible, as in the Caſe of the Abſurdity of aſcertaining the Limits of the pretended " ancient" Juriſdiction of *New-York*, predicating it on vague and undeterminate Boundaries, that, that Government ſhould predi-

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cate their Right to the Fee of Lands, by them thus unaſcertainable; for as Uncertainty, and natural Impoſſibility of a Juriſdiction's being rendered determinate makes it in Reality to be none at all; ſo the Idea of Property, predicated thereon is equally impertinent.---True it is, by the royal Determination in 1764, the Eaſt Line of *New-York* extended to the Weſt Banks of *Connecticut* River. Which may be Foundation for Conjecture, that, that Limit might have Reference to a Diſcription in the Duke's Grant aforeſaid, " and all the Lands from the Weſt Side of *Connecticut* River," &c. Yet when the Repreſentation made by Lieut. Governor Colden, to his Majeſty in Council, as mentioned in this Pamphlet, under the Head of the Narrative, &c. comes to be conſidered it will reflect Light on this Point. The Arguments made Uſe of in the ſaid Repreſentation were thoſe of Conveniency and Advantage to the Settlers on thoſe Lands to be in the Government of New-York: And, that the Weſt Banks of Connecticut River was a good and certain Boundary," &c. Theſe were undoubtedly the preponderating Motives of determining the Weſt Banks of Connecticut River to be the Eaſt Boundary of New-York, and ſuch Arguments are utterly inconſiſtant with the Notion of an " Ancient indiſputable Right" of Juriſdiction.

THERE is ſtill another Conſideration which may be of Moment in the Obſervation of this, ſo Trumpt-up, "ANCIENT RIGHT OF JURISDICTION" of the Province of New-York, to the Lands in Conteſt: If it be admitted a Line ſhould be drawn from the moſt northerly Part of Connecticut River

to

to the moſt northern Extremity of Delaware-Bay; ſtill, it is by no means probable ſuch Line would include more than one half (if ſomuch) of the Lands in Diſpute ſo far as may be judged from the Latitude and Longitude of the reſpective Objects: For conſidering the Courſe of Connecticut River, which is nearly from North to South, except towards its Extremity; and the Sea coaſt, from the River's Mouth, together with Deleware Bay, forming alſo an indened Line, to the South of Weſt; the Land included in theſe Limits, by a Line drawn from Connecticut River to Delaware Bay as aforeſaid, would (excepting the ſmall Promontory formed by the Mouth of the Bay and the Ocean) lye in the Figure of an obtuſe angled Triangle; and the Courſe of the ſaid Line from the River to the Bay, according to occular Survey, would be from the Northeaſt a Southweſterly Direction: Which very badly comports with the preſent North and Weſterly Exerciſe of Juriſdiction of the Government of New-York, at Crown-point, Detroit, &c.---It may here well be obſerved, the Settlers under New-Hampſhire ſeem to be in a critical Situation; every arbitrary Meaſure under the preſent Adminiſtration of the Government of New-York, is excerciſed againſt them; and provided they flee to the Eaſtward to procure Inheritances, there they are fore-cloſed, the diſcriptive Limits of the ſaid ancient Juriſdiction covers them (to wit) the Countries of St. Croix, Pemaquid, Kenebeque, Nantucket, Martin's Vineyard, &c. ---Yet there is another large unknown Country to the Weſt and Northweſt, which has been but partly

ly explored; and provided, theſe People, inſtead of fleeing to the Eaſtward, ſhould turn their Courſe, to thoſe Countries; there, it is indiſputable but that, New-York would encircle them with another odd Diſcription of Domain contained in their Governor's Commiſſions, i. e. " A. B. Captain " General Governor and Commander in Chief in " and over the Province of New-York," next follows the Diſcription hinted " and the Territories " depending thereon, in America."

From the foregoing Diſcriptions of the Government of New-York, it appears they lay Claim to ſo extenſive a Domain three different Ways, or have three different Modes or Modifications in comprehending and engroſſing their progreſſive Limits. As,

1ſtly. The Province of New-York, which falls ſhort of, and terminates conſiderably South of the City of Albany.

2dly. " The Territories depending thereon in America." Theſe Territories comprehending ſuch Plantations, on extra-provincial Land, as are and have been carried on adjoining to the Province till its Territories, are at preſent extended to Detroit and the Neighbourhood thereof, &c.

3dly. The Limits of the Duke of York's Grant, and inaſmuch as the Grantees and Settlers on the Lands in Diſpute, hold their Title under New-Hampſhire, and that Government had for ſeveral Years exerciſed their juriſdiction over thoſe Lands, even

even till 1764.---Therefore, in this Caſe the Government of New-York could not extend their Territorial Sort of Juriſdiction over the Premiſes; for ſuch Sort of Juriſdiction might be challenged on the Part of New-Hampſhire (if it ſhould be admited at that Time, ſaid Premiſes was extra-provincial Lands) and that with far the moſt Propriety. Inaſmuch as that Government had granted the Land and began Settlements thereon. Add to this the following Clauſe in Governor Wentworth's Commiſſion, which they viewed to be of great Weight in this Caſe, which, after diſcribing the former Limits of New-Hampſhire, "and from "thence extending Weſt till it meets with his "Majeſty's other Governments." Add to this alſo, the Reaſons held forth in the Chain of Arguments, contained in the three firſt Sections; all which were too potent for the New-York territorial Sort of Dominion to fruſtrate. At that Juncture, Therefore, the Lawyers, Land-jobbers, Politicians, &c. planed out the aforeſaid third Modes of Juriſdiction predicating it on the diſcriptive Limits of the Grant to the Duke of York. And on this new modled Plan breathed an air of "ANCIENT AND "INDISPUTABLE RIGHT of" Juriſdiction, and conſequently to the Fee of the Lands in Conteſt.

THE firſt Intimation that ever ſaluted the Ear of the Publick, aſſerting it to be the ancient Right of the Colony of New-York, to extend to Connecticut River as its eaſtern Boundary, was diſcoverd from a Proclamation, given under the Hand of William Tryon, Eſq; Governor of the Province

Province of New-York, &c. and dated the 11th Day of December, 1771. His Proclamation begins after the following Manner. "Whereas it is "the ancient and inconteſtible Right of this Co- "lony to extend to Connecticut River, as its "Eaſtern Boundary."

THIS was drawing a poſitive Concluſion from fictitious, and till that Time, unheard of Premiſes: and rather influenced People, in the ſeveral Governments, to purchaſe and ſettle under New-Hampſhire, than diſwade them therefrom, for common Fame, and common Senſe were a Barrier againſt the Belief of this New-York Doctrine, which from the Time of the royal Adjudication in 1764, was by the Proclamation aforeſaid, antidated to "Ancient." That this Doctrine till then, was inconteſted, is thought to be true; for it had but peept to public Conſideration, and has ever ſince been conteſted.

SHOULD this, their new Hypotheſis be admitted; yet, as hath been before obſerved, theſe Limits could include but Part of ſaid Lands, according to the beſt Judgment that can be formed without an actual, and accurate Survey of the diſcriptive Limits of ſaid Grant; which if the New-Yorkers can do and fairly Demonſtrate, to any able Mathematicians, and competant and impartial Judges, that they have rightly aſcertained thoſe Limits, it is engaged on the Part of the Claimants under New-Hampſhire that they ſhall yield up, to the Land-jobbers of New-York, their Lands and Labours:

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an Object which undoubtedly would be grateful and pleaſing to them; and which they have many Years been in Purſuite of, and have hitherto had the Mortification to be baffled. It is verily Incumbant on the Government of New-York, in order to found Tittle to thoſe Land on this new Scheme,

FIRSTLY, to aſcertain the Limits of their imaginary Bounds: This, the Claimants under New-Hampſhire, will expect compleated, or hear no more of thoſe "ANCIENT AND INCONTESTIBLE" Boundaries of New-York.

SECTION, V.

THE General Aſſembly of the Colony of New-York, in their State of the Right of that Colony, &c. Page 3d. wave the Right of the Engliſh by firſt Diſcovery, as being foreign to their Purpoſe, & that the Dutch Poſſeſſions are only material to be ſupported; and Claim no further Right by Pay of the Dutch, but priority of Poſſeſſion. Yet in the ſame Page inform, "when the firſt War be-"tween England and Holland became inevitable, "King Charles the Second, by Letters Patent "dated the 12th Day of March 1663-4, granted "to his Brother the Duke of York the Tracts of "Country, which comprehend *New-York*. To ren-"der this Gift effectual, before the War was "proclaimed, a Fleet and Land Forces were ſent "out to remove the Dutch and put the Duke in "Poſſeſſion."---The circumſtancies that attended the making this Grant, and ſending the Armament

to

to render it effectual, are a ſufficient Reaſon to Determine that the Government at Home, at that Time, viewed the Dutch Settlement as an Intruſion, and Poſſeſſion (which is all they rely on) gained by treſpaſs, in legal Conſtruction, is no Poſſeſſion at all. That the Engliſh had prior Right to all the Countries from Forty to Forty-eight Degrees of North Latitude, by Virtue not only of Diſcovery by *Sebaſtian Cabot* and others, but by being in actual Poſſeſſion of ſeveral Parts of the Premiſes, is Matters too well known to be diſputed.

Whether there was real Seiſin in the Crown, or not, ot the Time of granting theſe Countries, is not truly inQueſtion; ſince every Grant ſo made is inconteſtibly valid againſt the King, his Heirs and Succeſſors; and the Colony of New-York being entirely Dependant on theCrown of Great-Britain for their Title; Priority of Charter is therefore neceſſary to be determined.

The Grant of King James the Firſt to the Council of Plymouth bearing Date at Weſtminſter, the 13th Day of November, in the Eighteenth Year or his Reign: comprehends all the Lands, Iſlands, &c. from forty to forty-eight Degrees of North Latitude, through the Main Land from Sea to Sea. On the 19th Day of March 1628, the Council of *Plymouth* under their common Seal, did grant to Sir *Henry Roſwell*, Sir *John Young*, and Others, their Heirs and Aſſociates for ever, all that Part of *America*, lying between the Great River

there,

there, commonly called *Monomack*, alias *Merimack* and *Charles* River, within the Space of three Miles to the Northward of the ſame River, called *Monomack*, alias *Merimack*, or to the Northward of any or every Part thereof, and in Length and Longitude of and within all the Breadth aforeſaid, thro'out the Main Lands there, from the Atlantic or Weſtern Sea or Ocean on the Eaſt Part, to the South Sea on the Weſt Part.

THIS Deed of Sale at the Suit of the Grantees, with a Charter of Incorporation, was granted and confirmed by King CHARLES the Firſt, the 4th Day of March 1629, wherein the Limits are exactly the ſame with thoſe in the *Plymouth* Conveyance; and the Proviſo of CHARLES, that the actual Settlement of the Subjects of other Chriſtian States to determine the Extent, the ſame as was the Proviſo in JAMES's Grant to the *Plymouth* Company.

THIS ſame Charter of Incorporation was adjudged void in the High Court of Chancery of *England* in 1684; from which the Aſſembly of *New-York* in their State, &c. Page 5th, take Occaſion to ſay "the Title of that Colony now ſolely depends on "their new Charter of 1691." Nevertheleſs, the Right of Soil to All and every Part of the Deed of Sale aforeſaid, remained indefeaſible; for, only animadvert back to the *Plymouth* Conveyance, and obſerve, that the Right in Fee, was by them conveyed to the Grantees; and trace it to King CHARLES's Charter of Incorporation, which only veſted the Grantees with Powers of Government.

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Though it is true, this Charter contains all the Formality neceſſary in the Conveyance of the Fee; yet is, ſo far as reſpects the Fee, is no more than a Duplicate of what was before granted, which neither adds nor diminiſheth; and it is eaſy to ſee, that the Court of Chancery could not vacate or make Void, at moſt, any Thing more than thoſe incorporate Privileges; and likewiſe as eaſily diſcernable that nothing more was attempted. Thus the Colony of the *Maſſachuſetts* ſtill hold their Right in Fee, by Conveyance from King James to the Council of *Plymouth*, who were their Grantors.

In the next Place it may be obſerved, that in 1691 the Privileges of Incorporation were reſtored; though our Authors, in their State, &c. endeavour to curtail the Colony of the *Maſſachuſetts*, by conſtruing their laſt Charter to extend no further Weſt than the Eaſt Limit of the Colony of *Connecticut*. Their Words are theſe, "Theſe Words *(as far as)* being in the Caſe of the Grant of the Crown on the Suit of the Party, in legal Conſtruction, carry the *Maſſachuſetts Bay* Colony no farther Weſtward than till it meets the Colony of *Connecticut*, and not to *Connecticut* River, and much leſs to the Weſtward of it." Be theſe bold Aſſertions as they will, and provided it be here admitted, for Argument ſake, that the Powers of Juriſdiction of the Province of the *Maſſachuſetts Bay* be ever ſo much curtailed, yet one Propoſition we can verily be aſſured of, viz. That it is not in the Power of King or Chancery to curtail or deprive them of their Property.

It is to be further obſerved, that however our Authors may Criticiſe upon the gramatical or legal Conſtruction of ſelected Words or Phraſes; yet, a little Attention to the following real Facts, will clearly point out the Inconſiſtency of ſuch Sophiſms.

Firſtly, *Connecticut* Charter, granted by King Charles the Second, the 23d Day of April 1662, was bounded and extended in Length, by and with the *Maſſachuſetts* firſt Charter, granted by King Charles the Firſt, the 4th Day of March 1629, which inconteſtibly extended agreeable with the aforeſaid diſcriptive Limits of the Deed of Sale from the Council of *Plymouth*, to Sir *Henry Roſwell*, Sir *John Young*, &c. and extended through the Main Land in Longitude to the South Sea on the Weſt Part.

This Charter, as above, being nullified in the High Court of Chancery of England in 1684, and reſtored again in 1691, wherein the Weſt Extent of Limit is predicated by that of *Connecticut*, and this Weſt Limit of *Connecticut* being predicated by the old Charter of the *Maſſachuſetts Bay*, and expreſly extending in Longitude to the South Sea on the Weſt Part, exactly extends the preſent Charter of the *Maſſachuſetts Bay*, with it's Powers of Juriſdiction to All, and every Part of the Limits of the old nulled Charter. This is the natural and legal Senſe of the preſent Charter of the Colony of the *Maſſachuſetts Bay*, predicated on undeniable Facts,

In the next Place 'tis neceſſary to conſider the Charter of *Connecticut*, which our Authors inform ſhould not extend Weſt of *Connecticut* River, in the Words following: "This being a Crown Grant "on the Suit and Petition of the Grantees, is to "be taken moſt beneficially for the King. The "diſcriptive Words, and the Intention of the "Grant, will in legal Conſtruction be ſatisfied by "giving the Colony the ſame Length as the *Maſ-* "*ſachuſetts Bay*; and it is plain, both from the Re- "cital and the ſaving Clauſe in the *Plymouth* Pa- "tent, on which the *Maſſachuſett's* Title was found- "ed, that the Latter cou'd not in any Senſe, ex- "tend to the Weſtward of *Connecticut* River." As this their Aſſertion is founded on the Hypotheſis of *Connecticut* Charter's being predicated on that of the *Maſſachuſett's*, and therefore the Arguments before exhibited on that Head, are equally Concluſive for the eſtabliſhing the Weſtern Extent of *Connecticut*, nothing more is neceſſary for that Purpoſe, but a Recital of the diſcriptive Words of their Charter, granted ſubſequent to their Purchaſe from the Council of *Plymouth* by King CHARLES the Second, the 23d Day of April, 1662, "Bounded "on the Eaſt by *Narraganſet* River, commonly "called *Narraganſet* Bay, where the ſaid River "falleth into the Sea; and on the North by the "Line of the *Maſſachuſetts* Plantation; and on the "South by the Sea, and in Longitude as "the Line of the *Maſſachuſetts* Colony, running "from Eaſt to Weſt: That is to ſay, from the "ſaid *Narraganſet* Bay on the Eaſt, to the South "Sea on the Weſt Part." Thus it appears not only

only by the Demonſtrations aforeſaid, but from the expreſs Words of the diſcriptive Limits of the Charter itſelf, which cannot admit of a double Meaning, (curious as our Authors be in the Art of playing with Words, they have not attempted to obviate their literal Meaning,) that it is the unqueſtionable Right of the Colony of *Connecticut* to extend it's Weſtern Boundary to the South Sea on the "Weſt Part;" and in this that Colony agree, who are now challenging their Right in Fee to thoſe Limits, and actually making Plantation, as at *Suſquehannah*, &c.

By this Time, undoubtedly Queries will arise in the Mind of the Reader, What will become of the Grant to the Duke of York, if the Maſſachuſett's and Connecticut Colonies extend "to the South Sea on the Weſt Part?" The following Intelligence from our Authors will introduce an Anſwer to this Query; who, after diſcribing ſaid Grant further inform, in Page 3d of the State, &c. That "a Fleet and Land Forces were ſent to remove the Dutch, and put the Duke in Poſſeſſion." Accordingly, on the 27th Day of Auguſt 1664, the Dutch Governor *Stuyveſant*, ſurrendered by Capitulation, all the Countries the Dutch then poſſeſſed, to King CHARLES the Second; when among other Terms it was ſtipulated, "that all the People "ſhall remain free Denizens, and ſhall enjoy their "Lands, Houſes, and Goods, whereſoever they "are within this Country, and diſpoſe of them as "they pleaſe." Thus, by Conqueſt, the King became reveſted with his Right to the Lands conquered:

ed: for, as the King had antecedently diſpoſed of all the Eſtate the Crown was poſſeſſed of in theſe Countries, to the Colonies of *Connecticut* and the *Maſſachuſetts Bay*; therefore, his Right now could not extend any further than the actual Conqueſt, which, in legal Conſtruction, muſt be ſatisfied with, and can extend no further than the actual Poſſeſſions deſcribed in the forementioned Capitulation. A further Information is in Page 4th, "To remove any Doubt of the Validity of the Dukes "Title, either from the Want of Seiſin in the "Crown when it originated, or on Account of the "intermediate Conqueſt by the Dutch, it was con-"firmed to his Royal Highneſs by further Let-"ters Patent, dated the 29th Day of June, 1674." That there was Want of Seiſin in the Crown at the Time of firſt Granting, is inconteſtible; for, as above ſaid, the King by antecedent Grants had diveſted the Crown of it's Right, and by this Conqueſt became reveſted: So that from this, Occaſion will be taken to ſay, that in Fact the Province of *New-York* was originally founded on Conqueſt, and the Limits of it, as before mentioned, circumſcribed by the Dutch Poſſeſſions pointed out in the Terms of Capitulation. However unfavourable this Concluſion may be thought, on the Part of *New-York*, yet, as the Crown had prior to either of the Duke's Grants, diſpoſed of its Right to the *Maſſachuſetts* and *Connecticut* Colonies---if it was not thus founded on Conqueſt, it hath no Foundation at all; and it's having any Place for Exiſtence, is but an "Intruſion on the Rights" of thoſe other Colonies. Furthermore, it is Myſterious and Contradictory

tradictory, admitting that that Government was thus founded, to ſuppoſe the Duke could be Lord Proprietor; inaſmuch as by the Conditions of Capitulation, the Fee then acquired to the Crown, paſſed to the Dutch Inhabitants, who then became Engliſh Subjects.

The Reader is in the next Place invited to a more particular Conſideration of the aforeſaid diſputed Premiſes, which are bounded South on the North Line of the *Maſſachuſetts Bay*, and Weſt by a Line about twenty Miles Eaſt of *Hudſon's* River, extending North ten Degrees, Eaſt till it comes almoſt oppoſite to *Ticonderoga*; thence Weſt till it ſtrikes on *Lake Champlain*, thence on the Eaſt Banks of ſaid Lake to the Forty fifth Degree of Northern Latitude, and on the North by the ſaid Latitude, and Eaſt on the Weſt Banks of *Connecticut* River. On this Tract of Country 'tis not pretended there ever was any ancient Dutch Poſſeſſions, nor any under Title from *New-York*, except on the Weſt Part of the Townſhip of *Pownal*, ſituate at the South-Weſt Corner of this Tract; and ſome Poſſeſſions in the Townſhip of *New-Haven*, on *Otter Creek*, which Colonel *Reed* gained and maintained by Force, about three Years, and which by Force he was obliged to ſurrender to the firſt Settlers, who were Claimants under *New-Hampſhire*.

Though this Tract of Land was contained in the original Grant to the Council of *Plymouth*, yet, as they never made any Conveyance of it, therefore it reverted to the Crown on the Surrender of that Grant,

Grant, the 7th Day of June, 1635. From which it may be objected, on the Part of *New-York*, that the above Conciſeneſs in the Circumſcription of the Boundaries of their Colony is too great; for, that the Grant to the Duke muſt hold good where the Crown, at the Time of granting, was veſted with a Right to the Lands granted. In Anſwer, it has been argued in the preceeding Section, that it is very uncertain whether the Limits of the Duke of *York*'s Grant included this Tract of Land, or if any, how great a Part; and that the Limits of ſaid Grant cou'd not be aſcertained---and that governmental Juriſdiction, and Property cou'd not be predicated on ſuch obſolete and uncertain Bounds. It was alſo demonſtrated in the firſt Section, and will be further obſerved in this, that the Duke of *York*'s Grant reverted to the Crown, and that the Landholders in the Government of *New-York* hold under the Crown---and that, if it did not revert to the Crown, the Fee is ſtill in the Duke, his Heirs or Aſſigns, and no Landholders in the Government are veſted with the Fee of the Lands they poſſeſs, &c*. It would be too tedious as well as needleſs to recite the Arguments that have been offered in the three firſt Sections, which is humbly conceived are abundantly ſufficient to Anſwer the aforeſaid Objection, and fairly demonſtrate Priority of Title to be in Favour of *New-Hampſhire*; to which the curteous Reader is referred for a Conſideration.

* This Argument and Concluſion is founded on the *New-York* Hypotheſis, excluſive of the herein mention'd Article in the Dutch Capitulation.

As has been before obſerved, the Deſign of the Duke of *York*'s Grant was to include the Dutch Poſſeſſions, or in other Words, that it never was valid any further than to ſuch Poſſeſſion, which by Conqueſt, reverted to the Crown, and no farther than theſe Limits, to interfere with the Charter Colonies of the *Maſſachuſetts* and *Connecticut*. And as a Twenty Miles Line to the Eaſtward from *Hudſon*'s River would include the moſt Eaſtern Extent of the forementioned Poſſeſſions, the Reaſon why ſuch a Line was agreed to as the Boundary between the Colonies of *Connecticut* and *New-York*: But, as theſe Poſſeſſions to the Northward of *Connecticut*, fell far ſhort of this Twenty Mile Line, or were ſo inconſiderable and uncertain as not to come within the Capitulation Reſerve, therefore, the *Maſſachuſetts* Colony contended with *New-York* for a further Weſtern Extent than Twenty Miles Eaſt from *Hudſon*'s River; but the reſtleſs Government of *New-York*, ever uneaſy within it's own Boundaries, preſumed unrelenting, to intrude on, and conteſting for the juſt Rights of the *Maſſachuſetts*, by extending their Patents far to the Eaſtward of Twenty Miles from *Hudſon*'s River; in Conſequence of which the greateſt Diſturbances have ariſen between the Inhabitants of the reſpective Colonies, and ſundry of the Conflicts ſo ſevere, that human Blood ſpilt in the Conteſts redened the Hands of the Intruders; but finally a boundary Line was agreed to by the reſpective Governments in 1773, at a Twenty Miles Diſtance from *Hudſon*'s River, which has ſince been ratified by his Majeſty.

In the State of the Right, &c. Page 4th, is the moſt extraordinary Account of Alienation of Property that is to be found in the Annals of Hiſtory. "The Duke continued Proprietor and chief Governor of this Province till he aſcended the "Throne, when his Right merged in the Royal "Authority, on his Abdication it paſſed to King "*William*, his Succeſſor, as Lord Proprietor and "Royal Sovereign." That upon the Duke's acceſſion to the Throne his Right of Government merged in the Royal Authority will not be denied; But, that his Right in Fee, conſequently paſſed to King *William* as his Succeſſor, wants greater Proof than a bare Aſſertion; our Authors ſhould have explained this Matter; 'tis taken for granted they will not pretend that King *William* was Heir at Law to the Duke's Eſtate, and they mention no Conveyance from the Duke to the King, but ſay the "Duke's Right merged in the Royal Authority;" to ſuppoſe it is poſſible that Right ſhould paſs to King *William*, as Lord Proprietor, is ſo great an Abſurdity that it wants a Name.

In the ſame Page they further inform, That "in "the Duke of *York*'s Commiſſions to his ſeveral "Lieutenant Governors, Major *Edmond Andros* "on the firſt Day of July 1674, and Col. *Thomas* "*Dongan* on the 30th Day of September 1682, "among other Diſcriptions of the Boundaries of "this Province, are expreſly comprehended all the "Land from the Weſt Side of *Connecticut* River to "the Eaſt Side of *Delaware* Bay." Note, thoſe Commiſſions were from the Duke before he aſcend-

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ed the Throne; undoubtedly in his Commiſſions to his Lieutenant Governors, he had Referrence to the Limits of his Grant, to determine their Boundaries: But after his Abdication, and the Acceſſion of King *Willaim* and Queen *Mary*, we find a Commiſſion from their Majeſty's to *Henry Slaughter*, to be materially different. "King *William* and Queen *Mary*, by their Commiſſion, "dated the Fourth Day of January, in the Firſt "Year of their Reign, appointed *Henry Slaughter* "to be Governor of the Province of *New-York*, "and the Territories depending thereon in *America*." The ſame Aſſembly (ſtiled our Authors) further inform, that "in all ſubſequent Acts and Commiſſions this Colony is deſcribed by the ſame "Words, the Province of *New-York*, and the "Territories depending thereon in *America*." "No Arguments need be uſed to prove, for it is ſelf evident their Majeſty's had ſome different Idea of the Province of *New-York*, than what had been before deſcribed by the Duke's Commiſſions to his Lieutenant Governors, and a little Attention to the original State of that Government, will explain that Difference. Our Authors further inform, Page 17, "The *Ranſſelaer* "Family are not indebted to the Government of "*New-York* for their Eſtate, they continue to enjoy it by an Act of Juſtice and not of Favour; "it was originally a Dutch Colony of itſelf, granted to their Anceſtors by the Dutch Weſt-India "Company, who held it as a Part of New Netherlands, under the States General. On the Surrender in 1664, their Rights were ſecured to

"them

" them in common with the reſt of the Inhabitants,
" by the before mentioned Article of Capitulation
" granted on the Surrender of the Country, by
" Col. *Nichols*, the Commander in Chief under
" the Crown, and Lieut. Governor under the
" Duke: the Faith of Government was pledged
" for their Security, and their Eſtates were con-
" firmed under the Seal of this Colony in the Year
" 1685, not by meer Act of the Provincial Go-
" vernor and Council, but by an expreſs Order of
" King *James* the Second." They further inform Page 5th, " ſo long ago as the Year 1685, King
" *James* the Second, by Letters Patent under that
" Seal granted to the *Ranſſelaer* Family the Manor
" *Renſelaerwyck*, extending from *Hudſon*'s River both
" on the Eaſt and Weſt Sides Twenty-four Miles."
This Manor includes the City of *Albany*, and extends near Twenty Miles to the Southward of it; South of which terminates the Province of *New-York*, expreſſed in their Governor's Commiſſions, ſo that this Manor is included in their ſecond Diſcription of Domain, viz. the Territories depending thereon, and excluſive of this Clauſe in the Commiſſions, antecedent to the forementioned Determination in 1764, the Governors of *New-York* cou'd not exerciſe Juriſdiction even in the Manor of *Renſelaerwyck*, and much leſs to the Northward of it, as Settlements which lay Contiguous to thoſe Limits ſeemed neceſſarily to fall under the Juriſdiction of that Government. Thus their territorial Sort of Dominion hath been extended without any Preſcription or Limitation, agreeable to the Obſervation of their celebrated Judge *Smith*, who,

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ſpeaking of that Government, ſaid "it might well "be accounted *unlimitted*."

It may be further offered in Objection, on the Part of *New-York*, That allowing the foregoing Arguments relative to the Territories, and that *Renſelaerwyck* was, before the Æra of the aforeſaid Determination, in Fact annex'd to the Government by the territorial Clauſe in the Governor's Commiſſions; yet, nevertheleſs the Duke's Grant muſt be valid to the Northward of that Manor, to all the Lands it originally covered. This cannot operate in Favour of *New-York*, for, in Addition to what has been before argued to this Purpoſe, the Reader is deſired to obſerve, that King *James* the Second, who was this ſame Duke of York, abdicated the Throne in 1688, and his Eſtate reverted to the Crown of *England*, and this Grant became veſted in the Crown, the ſame as though the Duke or his Grant had never had an Exiſtance.---Nor have any of their Governor's Commiſſions, from *Henry Slaughter*, the firſt Governor appointed by King *William* and Queen *Mary*, down to this preſent Æra, ever been predicated on, or had the leaſt Reference to the Limits of that Grant.

SECTION VI.

The Government of *New-York* make the greateſt Outcry againſt her Siſter Colonies, taxing them with Intruſion, Violence and Encroachment; and, at the ſame Time, are flagrantly more guilty of the

the ſame avaricious, unjuſt, and hoſtile Wickedneſs than all the reſt of *Engliſh America:* Their capricious Land-Jobbers have a ſurpriſing Faculty in carrying their Points; at the ſame Time, they are encroaching upon their Neighbours, provided they meet with Oppoſition, they will cry out in the moſt exagerating Exclamations, Violence, Riot, Treaſon, &c. and at the ſame Time, not heſitate to trample upon his Majeſty's Authority, (the Particulars of which may be ſeen in the preceding Narrative) They are great Advocates for Law, Order, and *good* Government; theſe are their *Horns of Iron, and with them do they puſh the Poor and Needy, when they get them into their Net. Their Way is as the Way of a Serpent upon a Rock,* and it is difficult *to trace their Footſteps*: They complain of the lawleſs, factious, and riotous Conduct of the Settlers under *New-Hampſhire*; yet know, that they themſelves are the moving Cauſe of all the Diſturbances they complain of: It is incredible to ſuppoſe a Collection of Farmers expoſed to the perpetual Fatigues, and laborious Toils of cultivating a Wilderneſs Country, ſhould under a juſt Adminiſtration of Law, become "a Confederacy of Inſurgents:" Was it only, that natural Preſumption being ſo much in Favour of thoſe Inhabitants, it is humbly conceived, that all wiſe and unprejudiced Perſons will, at leaſt ſuſpend their Judgments concerning them, 'till the *New-Yorkers* can clearly evince, that theſe People are in reality, without Cauſe, tumultuous, diſorderly, &c. And, inaſmuch as the Facts of this Controverſy is ſo fully ſet forth in the preceding Nar-

Narrative of this Treatiſe, the Reader is thereto refered for a clearer Exhibition.

Our Authors, in Order to maintain their Claim to the Lands in Conteſt, and if poſſible, to include it within One of the deſcriptive Limits of the Grant to the Duke of *York*, tell us many ſtrange Things about the Colonies of *Connecticut* and the *Maſſachuſetts*: That *Connecticut* "in legal Conſtruction" ſhould not have extended to the Weſtward of *Connecticut* River, and that their Settlements Weſt of that River were an Intruſion on the Right of the Colony of *New-York*; yet, nevertheleſs for Peace ſake, and rather than conteſt with "a powerful Neighbour," they ſettled with that Colony at twenty Miles diſtance from *Hudſon*'s River.

They further inform, that "the *Maſſachuſetts* "Claim ſtands by no Means in ſo reſpectable a "Light as that of *Connecticut*," and in legal Conſtruction, ſhould extend "no further Weſtward "than 'till it meets the Colony of *Connecticut*, and "not to *Connecticut* River, and much leſs to the "Weſtward of it." Our Authors being Men of great Learning and Sagacity; ſoon extended their antient Right of Juriſdiction over ſuch Part of the *Maſſachuſetts* Colony as lay to the Weſtward from *Connecticut* River, and this their Scheme in ſtopping the Weſtern Extenſion of that Colony where it meets *Connecticut*, may be reckoned as one among the greateſt of their political Atchievements. "And it is worthy a Remark," that had the *Maſſachuſetts* Colony extended Weſt to the South Sea, it

it could not have met *Connecticut*, but must have extended parallel with it, in the same Direction.

To give this pleasing Scheme some Kind of Colour, they argue the Nullity of the *Massachusetts* first Charter, and introduce the Duke of *York*'s Grant as the oldest Title, Page 5th, "The *Mas-* "*sachusetts* Charter was vacated, and the Title of "that Colony now solely depends on their Char- "ter of 1691."

Yet they allow, that that Colony obtained the Right of Soil from the Council of *Plymouth*, and that the Charter of King *Charles* dated the 4th Day of March 1628-9, * vested them with Powers of Government, (it's needless to animadvert on these strange Accounts) however, after they have charmed their Imaginations with the fruitless Idea of extending their antient Right to all that Part of the Bay Province West of *Connecticut* River, they complain bitterly of the Encroachments of the *Massachusetts*, Page 8th. "Un- "der Circumstances so favourable to the Rights "of this Colony, we have great Reason to com- "plain of the unwarrantable Encroachments un- "der the Authority of the Government of the "*Massachusetts-Bay*, by which a valuable Tract "extending from *Connecticut* River, within Twen- "ty Miles of *Hudson*'s River, has been wrested "from us."

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* This is the Charter spoken of as vacated, which was done as has been before largely treated of, in 1684.

" THEIR Conduct ſeems the more inexcuſable, " as they muſt have known that ſuch Encroach- " ments were not only diſreſpectful to his Majeſ- " ty's Authority, and big with great Miſchiefs " and Diſorders, but were highly injurious to pri- " vate Property, great Part of theſe Lands having " antiently been granted to his Majeſty's Subjects " under the great Seal of this Colony."

THEN they proceed to recite their old Grants, which they tell us " cover the Country the whole " Breadth of the *Maſſachuſett*'s Claim :" The Manor of *Renſelaerwyck*, granted in 1685, and extending 24 Miles each Side, from *Hudſon*'s River ; and *Weſtenkook*, in 1705, which extends about 30 Miles from *Hudſon*'s River ; and *Hooſick*, in 1685, which extends about 30 Miles from the River. It ſeems to have been a political, and univerſal Principle with the Government of *New-York*, to begin their Patents within the Twenty Mile Line, and extend them Eaſtward of it, that by this Means they might have Opportunity to encroach on, and jockey their neighbouring Colonies, more or leſs, out of their Lands, as ſubſequent Policy, Intrigue and Power, would render practicable.

THAT Government, thus extended their Patent into *Connecticut*, One in particular, into the Townſhip of *Saliſbury* ; and it has ever been their Practice to wrangle till they find by Experience, that neither by Sophiſtry, Law, or Hoſtility, they can maintain their exorbitant Claims, and then capitulate on as good Terms as they can ; and conclude with

with branding their Competitors with Diſhoneſty, Encroachment and many hard Names, and don't ſcruple to impeach their Governmental Authority, (as in the Caſe juſt recited of the Maſſachuſetts-Bay) with being Diſreſpectful to his Majeſty's Authority, and guilty of great Miſchiefs and Diſorders; although the Authority of their own Government, by their unjuſt, avaricious Encroachments on the *Maſſachuſetts* even to *Connecticut* River, laid the Foundation of thoſe Diſorders, and they might have added Blood-ſhed; yet their Aſſembly have the Impudence to Palm it all upon the Authority of the Maſſachuſetts.

The Claimants under *New-Hampſhire* are ſo happy as to be almoſt exempted from any *New-York* Claims, by Patents from that Government prior to their's; the aforeſaid *Hooſick* and *Wallumſcock* Patents being the only ones of this Nature, the former includes about one Qaurter of the Townſhip of *Pownal*, on which Part were about four Settlers, when it was granted by *New-Hampſhire*. This Townſhip is bounded Southerly by the North Line of the *Maſſachuſetts-Bay*, and extends Weſt as far as the *Connecticut* and *Maſſachuſetts* Colonies; the latter, i. e. *Wallumſcock* Patent, was granted under the common Seal of the Province of *New-York*, the 15th Day of June, 1739. This Patent is ſaid to interfere with the Townſhip of *Bennington*, and it is Matter of Diſpute, whether in it's firſt Location, it included more than about 30 or 40 Acres within that Town, tho' it ſeems the Patent by it's diſcriptive Limits, extends further into the Town,

and

and the Patentees produce a Map corresponding with thoſe Limits: However, an Indian, aged Fifty-Nine, who was Pilot to the Party that located this Grant, informs of a certain Monument they then erected, where they broke a Bottle, &c. for their Eaſtern Bounds. "And it is worthy a Remark," that this Indian happens to be exactly of the ſame Age with *Ebenezer Cole*, one of our Author's principal Deponents. This Monument is well known by the *Bennington* People, and is on the Weſtern Edge of the Town; and there has never been a Diſcovery of any Lines of the Survey of that Location to the Eaſtward of this Monument. The many Circumſtances of this Nature, amount to almoſt a Certainty, that the Patentees never made any actual Location further interfering with *Bennington*, than as aforeſaid; notwithſtanding, as they have planned their Patent, it includes about one Eighth Part of the Town; which Lands are exceeding good in Nature, and are ſettled wholly under the *New-Hampſhire* Title, by induſtrious Farmers, who from a Wilderneſs State, have cultivated and brought the moſt of it under good improvements, with many valuable Houſes, Barns and Orchards; ſome of them annually mowing at leaſt 80 Tons of Hay, and raiſe other Produce of the Country in Proportion. Not the leaſt Improvements or Poſſeſſions were ever made in that Town, except by theſe Inhabitants; neither had they the leaſt Knowledge of a Pretence of any *New-York* Patents extending there till ſeveral Years after they had ſettled the Land. As has been before obſerved, there was about four Settlers on that

Part

Part of *Hoosick* Patent, included in the Township of *Pownal*, when it was granted; and if the Author has a right Information, there has not been any more Settlements made under the *New-York* Title ſince, though there hath ſundry Families ſettled on the Premiſes, included as aforeſaid, under the *New-Hampſhire* Title.

As the State and Circumſtances of ſuch Part of the Townſhips aforeſaid, as are included in the old Patents, are materially different, in many Reſpects, from the Circumſtances of the *New-Hampſhire* Grants in general; it will therefore be neceſſary that this Matter have a particular Conſideration; and that none of the aforeſaid Arguments be conſidered in this Caſe but what are truly applicable: and in this Review of the Caſe, it will be admitted, that the old *Wallumſcock* Patent includes ſuch Part of *Bennington*, as the Plan the Patentees exhibit doth contain.

It is taken for granted that the Royal Determination of the boundary Line in 1764 cou'd not extend the Government of *New-York* antecedent to the Date of that Order, which was a Manifeſtation of Royal Power, and which was the ſole Cauſe of that Extention; therefore, at the Time the Government of *New-York* granted the forementioned old Patents, they could have no greater Authority for ſo doing than what they were then in Fact poſſeſſed of: It remains therefore to be conſidered, whether the Patents from the Government of *New-York* are valid or not, ſo far as they interfere with the Townſhips

ſhips of *Bennington* and *Pownal*. And Firſtly, it has been proved that the Province of *New-York* as diſcribed in their Governor's Commiſſions, doth not extend ſo far North as the City of *Albany*; therefore, the Northern Tracts of Country which theſe Patents of *Hoofick* and *Wallumſcock* cover, muſt be conſidered as belonging to their ſecond Sort of Domain, (to wit) the Territories. It has alſo been ſhewn, that theſe Territories are not circumſcribed to any particular Limits, but that they were originally meant to include ſome ancient Grants that were Independent of the Province and adjoining Settlements, on Extra-provincial Lands: probably that Government may have Authority to grant Land to the Weſt and North-Weſt, where it is indiſputably unappropriated, and where the Claim of none other Government could interfere: But it will be inſiſted upon, on the Part of the *New-Hampſhire* Settlers, which are included in the aforeſaid old Patents, that the Government of *New-York* had no Right to extend any of their Patents to the Eaſtward of a Line equivalent to that which conſtitutes the Bounds between *New-York* and the Colonies of *Connecticut* and the *Maſſachuſetts*: This Limit was ever thought by the People in general of the Colony of *New-York*, as well as thoſe of the adjacent Colonies, to be the Eaſtern Boundary of *New-York*, until the Æra of the late Determination, which extended it to the River *Connecticut*: and labouring Men that ſupport the World of Mankind, are obliged to form their Judgments of the Juriſdiction of Government's by the common received Opinions of Mankind they are converſant with; and

and even admitting they make an erroneous Judgment, yet, in the preſent Caſe, as the Lands were of but little Value, excluſive of their Toil and Cultivation; and as the Farmers in Reality uphold the State, it is therefore not only incumbent on the Laws, but on the Policy of the State to defend them in Caſes of this Nature---it muſt be admitted that where the Limits of Governments are clearly aſcertained and notoriouſly known, that a Farmer treſpaſſing in this Manner on another's Property, muſt bear the Loſs: But, provided a Country of People be generally under a Deception as to Matters of Juriſdiction, and purchaſe Land and make great Improvements, and all on a miſtaken Footing, Men in ſuch Circumſtances ſhould be conſidered in the moſt favourable Light. For, as not only Individuals, but the Country about them were in the ſame Manner deceived, and therefore, at the Time of purchaſing and Settlement, they were utterly deſtitute of the Means of Knowledge; yet, however, it is not conceded to, that thoſe Farmers on whoſe Account the preſent Arguments are exhibited, are under a Deception about this Matter; for of all Sorts of governmental Juriſdiction, the *New-York* Territorial was the weakeſt, looſeſt and moſt vague; it was rather occaſional and political, than poſitive, and in it's own Nature almoſt or quite incapable of being extended faſter than Settlements were actually carried on, or at moſt the Lands expoſed to this territorial Juriſdiction, ſhould not be patented faſter than his Majeſty's Subjects are diſpoſed forthwith to ſettle. The Neceſſity of granting ſo faſt may be pleaded on Account of Order---the

the Policy of Government may demand it; otherwise an occasional Jurisdiction would be altogether unable to abilitate the Government to make Conveyance of the Right in Fee; although it is indisputable that such a Jurisdiction in Matters of meer Government, is to all Intents and Purposes, equal to positive Jurisdiction; but with Respect to having a Power to convey the Fee of Lands, is Matter of Doubt: But thus much with Propriety may be inferred, that a Title so weak and impotent should not claim Superiority over the least Conception of Title whatever; a meer Possession is of itself abundantly sufficient to maintain the Right in the Possessor, and on a judicious Tryal at common Law, (cou'd such an One be had) would be judged Paramount to it.

There is another Consideration that must totally extinguish and obliterate all possible remaining Idea of Right, that the Patentees of *Wallumscock* may be supposed to have to the said Tract of Land included in the Limits of the Township of *Bennington*. Only advert to the Date of that Patent, which is on the 15th Day of June, 1739, and compare it with the Time of the Commencement of the Settlement of *Bennington*, which was in the Spring of the Year 1760, and there will be found to be 21 Years, from the Date of this Patent, to the beginning of the Settlement under *New-Hampshire*;—in all this Time there was not the least Settlement or Possession made in the Premises; although the express Condition of the Patent was, that it should be settled in three Years from the Time of granting.

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Poſſibly in all that Time the Patentees might have got ſome Dutch Tenants on ſome Weſtern Part of the Patent, which, with the Government of *New-York*, may be denominated a Fulfilment of the Condition of Settlement; many large Tracts having been patented, ſome ſince, and others longer ago than that *Wallumſcock*, which are yet moſtly a howling Wilderneſs. This Practice of the Government of *New-York*, in extending their Patents to the Eaſtward of a Twenty Mile Line from *Hudſon*'s River, hath ever been conſidered as a diſingenious and deſigning Policy in that Government; thereby to lay a Foundation for intruding on the Rights of their neighbouring Colonies; and has been attended with many diſagreeable Conſequences, as has been before obſerved. And as that Government have given up their exorbitant Claims where they interfered with the Right of the *Maſſachuſetts*, it would undoubtedly be their wiſeſt Way to do the ſame with Reſpect to ſuch Claims as interfere with the Right granted under the great Seal of the Province of *New-Hampſhire*; and inſtead of treating the People that have ſettled thoſe Lands under that Title, as Rioters and Felons; to exerciſe that Juſtice and Humanity towards them, which becometh Governors, to the governed.

It remains ſtill, that there be a ſummary View exhibited, relative to the Rule of Right which ſhould take Place with Reſpect to the Settlers under each Government, that are ſettled on ſuch Part of the forementioned Patents as are included in the Townſhips of *Bennington* and *Potwnal*. And al-

though Superiority of Title is in Favour of thoſe under *New-Hampſhire*; nevertheleſs, as the Line of Juriſdiction, in thoſe Times of granting and Settlement, was not expreſly aſcertained or known.---- Under theſe Circumſtances, it would not only be bad State-policy, but great Inhumanity and Injuſtice to the Subject; for either the Government of *New-York* or *New-Hampſhire* to diſpoſſeſs them, let them have ſettled under the Title of either; for Titles liable to ſo much Diſpute and Uncertainty as both muſt be confeſſed to be (though One may have much the Preference of the Other) are not ſufficient to ouſt the Poſſeſſor, inaſmuch as both challenge a legal Right; therefore, either Title, ſealed and confirmed with the Sweat and Toil of the Farmer is abundantly paramount to the Other.

Our Authors, in their Appendix, Page 19th, miſ-repreſent the Plea of the *Bennington* People, in ſaying, "To reaſon on their own Principles, if "Equity confirmed the Claims of Others under "*New-Hampſhire*, on Account of Priority of in-"terfering Grants, it would have afforded a fatal "Plea againſt the People of *Bennington*; becauſe "they ought then themſelves to have yielded up "all the Lands which are covered by more anti-"ent Patents." The People of *Bennington*, or rather the Claimants under *New-Hampſhire*, have ever inſiſted, that at the Time the Government of *New-Hampſhire* granted thoſe Lands, they had good Right ſo to do; but that *New-York* had not. This Matter is illuſtrated and proved by many Arguments, and real Facts, in this Treatiſe, particularly

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in the 2d and 3d Sections, to which the Reader is referred. 'Tis true, provided the *Bennington* People had no further Conſiderations in the Matter of Title, but the Priority of interfering Grants--, according to this Method of arguing, they ought to yield up ſuch Part of that Town as interferes with *Wallumſcock* Patent; but the Conſideration of Settlement is undoubtedly, with the many other Matters, material to be conſidered, as argued aforeſaid.

SECTION VII.

HAVING gone through with the Remarks on the *New-York* Pamphlet, ſo far as immediately reſpects the Title of thoſe Lands which has been the Principal Cauſe of the Publication of this Treatiſe---- ſhall nextly proceed to detect ſome notorious and diſhonorable Miſ-repreſentations contained in the Pamphlet aforeſaid, particularly in the Appendix. In this brief Review, it would be too tedious, as well as needleſs, to trace the Authors through all their diſguiſed and fictitious Repreſentations, and intricate Windings. Shall therefore paſs on with noteing ſuch of their Exhibitions as are the moſt cruelly fallacious; among which the Story of the Extention of the Townſhip of *Bennington*, merely by a Vote of the Inhabitants, at a Town Meeting, to the Weſtward from where it was intended to be granted, and within Seventeen Miles of *Hudſon*'s River, is the moſt flagrantly opprobrious. The Story may be ſeen recorded in the 4th Page of their Appendix. " The Grantees of the Townſhip

" of

" of *Bennington*, diſcovered that the Situation of the " Tract according to the Intention of the Grant, " would be both inconvenient and unprofitable, " as it included a large Proportion of Mountain; " and they therefore, by no better Authority than " a Vote of their Town Meeting, preſumed to ex- " tend it to the Weſtward, within Seventeen Miles " of *Hudſon*'s River."

As this Repreſentation in All and every Part is entirely groundleſs, and no Pretence of Proof to ſupport it, but is the meer calumnious Aſperſion of thoſe who have an implacable Hatred to the *Bennington* People, a poſitive Denial of the Facts alledged, would be a ſufficient Refutation of thoſe Facts. Nevertheleſs, as the Aſſembly of *New-York* have made a principal Engine of this infamous Story of their own Creation, to deſtroy the good Character of the People aforeſaid, by repreſenting them to the Government at Home as the vileſt of Inſurgents and Out-Laws---and inaſmuch as the Facts alledged are capable of Diſ-proof by mathematical Certainty, and ſundry Demonſtrations of this Sort having been actually made, (though not with a View of diſproving this Calumny, as it had not then been publiſhed,) by Admenſurations of the Diſtance from *Hudſon*'s River, to the Weſterly Line of *Bennington*, all of which agree that it is at leaſt Twenty Miles. Mr. *Samuel Robinſon* for once made an actual Menſuration of that Diſtance, and found it to be Twenty Miles and Thirty-five Chains; his Affidavit and Mr. *Ebenezer Wood*'s, together with an atteſted Copy of the Survey of that Town

by

by Mr. *Matthew Cleſſon*, the Surveyor, is thought Expedient to tranſcribe in it's following Order, which will abundantly ſerve to exculpate the People of *Bennington* from that Odium wherewith they have been branded. The Author is furthermore eſpecially directed by the Inhabitants of that Town, to "requeſt the Government of *New-York* "to vindicate what their Aſſembly have before "alledged, by another accurate Menſuration of "the Diſtance from *Hudſon*'s River, to the Weſ-"terly Line of *Bennington*; and further notify that "Aſſembly, that as omnipotent as they may con-"ceive themſelves to be, they muſt nevertheleſs "recede from the Calumny wherewith they have "abuſed the Inhabitants of that Town, and do "public Penance for the ſame, or continue under "the Reſentment of thoſe Inhabitans:" Which take an additional Affront at the ill Uſage, inaſmuch as our Opponents tell us Page 3d, it is to "be tranſmitted for the Information of the Go-"vernment at Home;" and further inform that it was to guard againſt the Impoſitions which from the Want of Candor, they were apprehenſive the ſaid Settlers, who "ſpared no Art or Act of Vio-"lence," would by their Agents deceive the Government at Home, and therefore they had undertaken to tranſmit a Narrative of thoſe Settler's Proceedings, for the Information of that Government. It ſeems the ſaid Aſſembly fully reſolved that the Settlers and Agents from the Want of Candor, would endeavour artfully to deceive, &c. and that themſelves were as fully reſolved to over match them in a Game of that Sort, being greater

Practitioners

Practitioners than Peasants: But artful as they are, they made a fatal Mistake in advancing for Matter of Fact that which in its own Nature is incapable of Proof, and what has been disprov'd by Evidence of a mathematical Nature, and capable of further Dis-proof by actual Mensuration. It is no Ways marvellous that those Gentlemen which govern in that Assembly have an Antipathy against the Inhabitants of *Bennington*, who have had a great Share in defeating them in obtaining Possession of the Country of the *New-Hampshire* Grants: It seems they are not insensible of their Merit, for, say they, "it is to this Township erected by a "Charter in itself void, and so greatly abused, "that we are to ascribe all the Opposition which "has since been given to the Jurisdiction of *New-York*." It is evident that these Gentlemen have an evil Eye upon *Bennington* Inhabitants; for, when they mention the Opposition to their Jurisdiction, they take Care to repeat the aforesaid groundless Aspersion, by adding these Words, "erected by a Charter in itself void, and so great-"ly abused." They still proceed upon this their favourite Topic, and draw particular Inferrences from it to their advantage, "for by chang-"ing the Situation" of *Bennington*, "it is made "to comprehend a large Part of *Wallumscock*, "which was granted under the Seal of this Pro-"vince so early as the Year 1739." This their scandalous Assertion is twice repeated in Page 8th. One of the Passages is as follows: "Mr. *Ingersoll*, "one of the most eminent Counsel in *Connecticut*, "and Mr. *Sedwester* of *Albany*, were concerned for

the

the Defendants. When theſe Gentlemen found *Breakenridge's* Farm to be within Seventeen Miles of *Hudſon's* River, and greatly to the Weſtward of what the Government of *New-Hampſhire* had admitted to be the Juriſdiction of *New-York*----they told him that it was impoſſible to ſet up any Principle for his Defence. Accordingly, when his Caſe was brought to Tryal, he refuſed to confeſs the Leaſe, Entry and Ouſture, agreeable to the Rule, and the Plaintiff being Non-ſuited, obtained Judgment in the ſucceeding July Term, againſt the caſual Ejector."

THIS is far from being the true State of the Caſe. Sundry Cauſes which had been tried, were determined againſt the Claimants under *New-Hampſhire*, and Mr. *Breakenridge* perceived it was expending Money to no Purpoſe, to maintain a Suit at Law againſt the *New-York* Patentees, as they had ſuch a Combination of Intereſt with the Judges, Part of which were intereſted in the *New-York* ſubſequent Patents, which interfered with the Grants under *New-Hampſhire*, though not in thoſe on Tryal. This, with many other Things too tedious to particularize, was the Cauſe why Mr. *Breakenridge* would not defend the aforeſaid Suit in Tryal; but there was not a Word ſaid, (as he informs me) between him and his ſaid Attornies, about his Farm's being within Seventeen Miles of *Hudſon's* River; nor is it likely ever ſuch a Thing was mentioned in *Albany* County; the contrary being ſo well known. Undoubtedly, this was wrote "for the Information of Government at Home," thinking

thinking the Fallacy would not there be detected, it being at ſo great a Diſtance.

Our Authors, P. 10th, after giving a Narrative of a riotous and tumultuous Outrage, committed by the Inhabitants of *Bennington*, for which Proclamation had iſſued from the Earl of *Dunmore*, againſt the principal Authors of the Diſturbance "which could not be brought to Juſtice," then they introduce a particular Charge againſt Mr. *Breakenridge*, which is entirely deſtitute of Foundation, viz. That he was One of the principal Rioters. To this they join the former Calumny of the Weſtward Extention of *Bennington*, "by a Vote of their "Town Meeting;" and add to both theſe, the groundleſs Story of Mr. *Breakenridge*'s Council's Inability to ſet up any Principle in his Defence, by Reaſon of his being ſeated "within Seventeen "Miles of *Hudſon*'s River." All theſe Fictions blended together, make conſiderable of a Figure, in their own Words, "*James Breakenridge* and "*Iſaiah Carpenter*, were Two of the moſt inexcuſa-"ble of all the Offenders: the firſt had ſeated him-"ſelf within Seventeen Miles of *Hudſon*'s River, "where he knew it was impoſſible, on their own "Principles, that he could be protected by "the *New-Hampſhire* Claim, he had declined a "fair Tryal, and ſuffered Judgment by Default." With Reſpect to Mr. *Breakenridge*'s being active in any Expeditions (the *New-Yorkers* denominate Riots, Mobs, Felony, &c.) it is well known thro' the Country of the *New-Hampſhire* Grants, he has not. In the 18th and 19th Pages of the Appendix,

dix, they repeat their former Aſperſion againſt the Inhabitants of *Bennington* in the moſt virulent and emphatical Language------" And what is ſtill more " ſhameful, they contend, they arm, they fight, for " Lands, as a Part of *Bennington*, which lies with- " in Seventeen Miles of *Hudſon*'s River, and which " the Government of *New-Hampſhire* never claim- " ed, but admitted to be beyond their Juriſdicti- " on."

As THERE can be no Doubt but theſe Gentlemen really wiſh theſe things to be true, and having ſo frequently repeated them as being ſo, it is conjectured they by this Time begin to believe them, or at leaſt think others may; but that the impartial Reader may have the real Truth of the Matter, the following Evidence is exhibited.

" A Plan of a Townſhip of Six Miles ſquare (i.e. *Bennington*) lying in his Majeſty's Province of *New-Hampſhire*, laid by *Matthew Cleſſon*, Surveyor, *Abraham Baſs*, *John Hooker*, *Ezekiel Foſter*, and *Samuel Calhoon*, Chainmen, in Purſuance of an Order from his Excellency, *Benning Wentworth*, Eſq; Governor of ſaid Province, to Col. *William Williams*, lying Six Miles North of the Province Line that was run by Mr. *Richard Hazzen*, between ſaid Government, and the Province of the *Maſſachuſetts-Bay*, and Twenty Miles Eaſt of *Hudſon*'s River, viz. Beginning at a crooked Hemlock Tree, mark'd W. W. Six Miles due North, or at a right Angle from ſaid Province Line, ſaid Angle commencing at a White Oak Tree in ſaid Line, mark'd M. ‡ O. T I. T.

I. T. which Tree is Twenty-four Miles East from *Hudſon*'s River, allowing one Chain in Thirty for Swag, (which Allowance is made through the whole following Survey) and from ſaid Hemlock Tree Weſt, ten Degrees, North four Miles, to a Stake and Stones; and from ſaid Stake and Stones North ten Degrees, Eaſt ſix Miles, to a Stake and Stones; from thence Eaſt ten Degrees, South ſix Miles, to a Stake and Stones; and from thence South ten Degrees, Weſt ſix Miles, to a Stake and Stones; from thence Weſt ten Degrees, North two Miles, to the Hemlock firſt mentioned, which Survey was made November, 1749,

(A Copy.) Per MATTHEW CLESSON, *Surveyor.*"

HAMPSHIRE, ſſ. *October* 30th, 1749.

Matthew Cleſſon, Surveyor, *John Taylor*, *Ezekiel Foſter*, and *William Williams*, Chain-men, on November 3d, 1749, *John Hooker*, *Abraham Baſs* and *Samuel Calkoon*, Chain-men, were all ſworn to the faithful Performance of the reſpective Services aforeſaid, and for the above Survey.

Quorum, TIMOTHY DWIGHT, *Juſtice Peace.*

(A Copy.)

THE Depoſition of *Samuel Robinſon*, who, being of lawful Age, ſaith, He being a Surveyor, hath laid out in Lots, a great Part of *Bennington*, and is confident that the Weſt Line of ſaid Town is the Line that *Matthew Cliſſon* run before the Town was granted (upon which ſaid Grant was made,) and as I have run all the Lands Eaſt, adjoining ſaid Line, and ſome on the Weſt Side, I never knew of any other Line that was called, or known, or ſuppoſed to be the Weſt Line of *Bennington*; but according

cording to that Line, the Proprietors have ſettled, not making any Improvements in the leaſt Degree to the Weſt of ſaid Line.

And the Deponent further ſaith, That his Excellency, *Benning Wentworth*, late Governor of *New-Hampſhire*, gave a Warrant to *Samuel Robinſon* and *George Gardner*, Eſq'rs, and *John Davoow*, to get the Line run and meaſured out, from *Hudſon*'s River; which committee employed the Deponent as a Surveyor, with *Timothy Abbot* and *John Drott*, as Chainmen, who were under the Inſpection of ſaid Committee, and under Oath, meaſured out from ſaid River Twenty Miles, according to the aforeſaid Governor's Warrant; and then turning a right Angle North, ten Degrees Eaſt, which they did, and found the Weſt Line of *Bennington* to be Eaſt of the Line your Deponent run, Thirty-five Chains; and ſo the Proprietors of ſaid Town concluded the aforeſaid *Cleſſon* Line to be right, and have conducted accordingly.

And further, your Deponent ſaith, *John R. Blaker*, Eſq; of the City of *Albany*, got ſome Chainmen ſoon after your Deponent had run the Line, and meaſured out, and told your Deponent that *Bennington* Weſt Line, was more than Twenty Miles from *Hudſon's* River: And *Archebald Campbell*, of *Albany*, Deputy-Surveyor, told your Deponent, that he had meaſured out, and found it to be above Twenty Miles. And further ſaith not.

SAMUEL ROBINSON.

Sworn before me, in Hooſick, *the* 29*th March*, 1774.

JOHN MALCOMB, Juſtice.

THE

THE Depoſition of *Ebenezer Wood*, who being of lawful Age, ſaith: He being choſen a Select Man for the Town of *Bennington*, and ſent to Perambulate the Weſt Line of ſaid Town, which accordingly I did, which Line *John R Blecker*, Eſq; of the City of *Albany*, told your Deponent was more than Twenty Miles from *Hudſon*'s River, which was the Line that *Matthew Cleſſon* run; and your Deponent never ſee or heard of any other Line but that, for *Bennington* Weſt Line. Further ſaith not.

EBENEZER WOOD.

Sworn before me in *Hooſick*, the 29th Day of March, 1774.

JOHN MALCOMB, Juſtice.

IT may now be requiſite to give the Reader to underſtand, that although no Part of the Townſhip of *Bennington* interferes with a Twenty Mile Line from *Hudſon*'s River; yet, it is probable ſome other of the Weſterly Tear of Townſhips may in ſome Places, and in Others not approach it by a conſiderable Diſtance, which may be eaſily underſtood by the Windings of the River.

THE *New-Hampſhire* Grants are bounded Weſt on a Line commencing at the *Maſſachuſetts* North-Weſt old Corner, extending North ten Degrees, Eaſt till it reaches almoſt oppoſite to *Ticondaroga*, then extending Weſt to the Lake. It is beyond Diſpute, conſidering the Courſe and Windings of *Hudſon*'s River, that there is as much or more Land included in the old ſuppoſed Government of *New-York*, by this Diviſion, as would be by extending a Twenty

Twenty Mile Line exactly parrallel with the River; it is alſo to be obſerved, that where thoſe Grants, as above, extend Weſt from this Line to meet the Lake, *Hudſon's* River is at leaſt Forty Miles to the Weſtward.-----Therefore, upon this Hypotheſis, it may well be concluded, that, although ſome Towns may interfere with a Twenty Mile Line from the River, yet the Proprietors have nevertheleſs equal Right to thoſe Lands with them whoſe Townſhips do not interfere with that Line. Undoubtedly, againſt the Colonies of *Connecticut* and the *Maſſachuſetts Bay*, this was the Caſe; that in ſome Inſtances *New-York* loſt Land by the Windings of the River, in others it gained it ſo as to make it about equivalent to a Breadth Twenty Miles Eaſt from the River; had the Line commenced at that Diſtance from the River, and extended Equidiſtant to it, which would be a Line Difficult to aſcertain, and perpetuate.

The Repreſentations our Authors have exhibited in the Thirteenth Page of their Narrative, relative to *Cochran*, *Allen* and *Baker*'s diſpoſſeſſing ſome People ſettled on a Tract granted to "Mr. "*Farret*, a reduced Lieutenant," which is in the Weſtern Part of the Townſhip of *Rupourt*, and demoliſhing ſeveral Buildings, &c. are nearer the Truth, than moſt of their Accounts; yet, as the real State of the Facts are materially different, in many Reſpects, and as Evidence of theſe Matters is procured, for Brevity's ſake ſhall paſs over with inſerting it.

The Depoſitions of *Jeſſe Graves*, *Daniel Scott*, and *Enoch Eaſtman*---is, That

THAT ſome Time in the Month of October 1771, We was in Company together in the Weſterly Part of *Rupourt*, a Townſhip of the *New-Hampſhire* Grants, and we perceived there was a Controverſy between the *New-Hampſhire* Settlers of that Townſhip, and ſundry Perſons that had newly come to that Place, with Axes and Saws, and other Farmery Inſtruments, to begin a new Settlement near the Weſt Line of ſaid Town, and within the Limits of the ſame, under ſubſequent Patents, under the Grant of the Province of *New-York*, which laped on the Townſhip aforeſaid: And ſundry of the *New-Hampſhire* Settlers of that Town were gathered together to the Number of about Nine, including *Ethan Allen*, and *Remember Baker*, which was not Inhabitants of ſaid Town; this Number of Perſons went to warn off Two Men, whoſe Names were *Todd*, that was then at work on a Lot of Land laid out to *Robert Cochran* in ſaid *Rupourt*, and on the ſame Piece, where ſaid *Cochran* had partly cleared before, and had in his Poſſeſſion: and we the Deponents went with the Party, having a Curioſity to ſee the Event, for we were informed that the Two Encroachers, viz. the *Todds*, had bid a Challenge againſt the *New-Hampſhire* Settlers, and that they were provided with Arms, and had threatened the Life of the ſaid *Cochran*, and claimed the ſame Land by a ſubſequent Patent from the Governor of *New-York*: So the Party came to where the Two Perſons above named were at work, clearing Land, and warned them, to forthwith go off from the Premiſes, and they did accordingly.

And

And we found it true that the Two Encroachers was well furniſhed with Fire-Arms, and ſo was the Party of Nine Men that went to diſpoſſeſs them; expecting there would be near or quite as many to oppoſe them, but there was no Pretence of uſing Fire-Arms on either Side. After this, the Party of Nine Men went a little further, where another Perſon had began to build a Log-Houſe on a Lot of Land belonging to a *New-Hampſhire* Grantee in ſaid Town; the Logs were laid, and the Rafters fixed thereon for the Roof; the Perſon's Name that was building the ſame, was *Hutchinſon*, the Party aforeſaid warned him off the Land; accordingly he departed the Town, but tarried to ſee the Logs he had collected together, pulled down, and laid in Four Heaps by the Party, and burned with Fire. After this, the Party advanced a little further, where one *Reid* had began a ſmall Improvement on a Piece of Land in the Town of *Pollite*, his Claim being alſo under *New-York*, on a ſubſequent Grant, where was a poor Shelter, four Crotches being drove into the Ground, and a Pole laid thereon, and Boughs added to the heap in Lieu of a Roof: This ſhiftleſs Fabrick was alſo conſumed by Fire by the ſame Party; and we the Deponents, were Eye-witneſſes of the Fact before related; and directly after this, the Party diſperſed: But there was no Family diſpoſſeſſed in the whole Affair, nor was there any that had moved on the Premiſes under Title from *New-York*. And further the Deponents ſay not. Taken and ſworn before me, one of His Majeſty's

Juſtices

Juſtices of the Peace in and for the County of *Charlotte*, and Province of *New-York*, this 11th of March, 1774.

EBENEZER CLARK.

HAVING procured with much Difficulty ſome Evidence relative to a ſpirited Controverſy that hath for many Years ſubſiſted between Col *Reid*, of the City of *New-York*, and certain Claimants under *New-Hampſhire*, about a Townſhip of Land called *New-Haven*, adjoining to the firſt Falls on *Otter-Creek*, a little to the Northward of *Crown-Point*; a State of the ſame Controverſy, from the Commencement of it down to the Year 1772, was conveyed to Governor *Tryon*, a Copy of which has been tranſcribed in the Narrative, at the Beginning of this Treatiſe. The preſent Evidence will ſerve to ſupport the main Facts there alledged, as well as inform with Reſpect to ſome later Tranſaction of the ſame Controverſy, which by Turns has ſubſiſted to this Period. More Evidence would have been produced, not only relative to this Affair; but ſundry others, had it not been, that the Juſtices at *Crown-Point*, refuſed to take any Affidavits in Behalf of the *New-Hampſhire* Settlers, except thoſe hereafter inſerted, although they have been often thereto requeſted.

The Depoſition of James Henderſon *and* David Bridea, *is as follows*:

THAT, on or about the 19th Day of June, 1773, we arrived from *Scotland* at *New-York*---ſoon after our

our Arrival, we met with Col. *Reid*, in *New-York*, who invited us to ſettle under him in the County of *Charlotte*, on Lands which he ſaid he owned in that County. We being Strangers to the Country, and not knowing there was any Diſpute or Controverſy about Land in America, thought beſt to accept of his Offer; and accordingly agreed to go with him, on the following Terms, viz. That we ſhould have a Leaſe of our Land forever, with the firſt ſeven Years free from Rent, and after that, Six Pence per Acre yearly, and to deliver to him at his Mill or Mills, the Tenth Part of our Grain yearly, and not to cut any Timber, ſave what the clearing our Lands required. On the aforeſaid Agreement we ſet out from *New-York*, with ſaid *Reid*, and when we arrived at Fort *Miller*, we hear'd thoſe Lands that we agreed for, were in Diſpute; on which we went to ſaid *Reid*, and acquainted him, that if his Lands were in Diſpute, we rather choſe to turn back, than to go any further; but he affirmed to us, that his Land was not in Diſpute, and that he would put us in peaceable Poſſeſſion, and protect us there. On this Encouragement we went forward as far as Fort *George*, where we heard the News of the Diſpute again confirmed to us; on which ſome of our Company would have turned back; but Col. *Reid* refuſed to let them go, aſſuring us that the Lands was not in any Conteſt, and that he would compel us to go forward. After this we went to *Crown-Point*, where we underſtood that the Land to which we were going, was granted to the Settlers that were on it by the Governor of *New-Hampſhire*, and that they

would not give up their Title, it being antecedent to *New-York* Patents. After hearing that we ſhould have Trouble, we abſolutely refuſed to go any further, telling Col. *Reid* that we did not come to *America* to fight for any Man's Title, nor to take away any Man's Property, and deſired we might go back to *New-York*; but he refuſed, alledging that we ſhould fulfil our Agreement, and, that there was a Parcel of *Yankies*, or *New-England* Men, ſettled all over America, without any Right or Title to their Lands, and he would put us in Poſſeſſion, and defend us there. After this, he brought us to the Mouth of *Otter Creek*, and then he ordered every Man to load his Gun; but I, viz. *James Henderſon*, refuſed to load mine. Next Morning, at the Falls of ſaid *Creek*, he aſk'd me where my Firelock was? I replied, it was in the Battoe. Ay! Damn you! ſaid he, you dare not load your Firelock---you will make a bad Soldier. After this we went to *New-Haven*, a Town above the Falls, where we found large Improvements made, and the *New-Hampſhire*'s actually in Poſſeſſion with their Families, which Families ſaid *Reid* turned out, and put us, with the Reſt of our Company, in their Place---then he ſaid, there was no further Danger, and went back and left us to keep Poſſeſſion of thoſe Houſes and Improvements. Soon after this, came a large Number of armed Men which ſtiled themſelves the *Green-Mountain-Boys*, and they demanded of us if we were *Reid*'s Settlers? We replied that we were. Then they informed us that their Buſineſs was to diſpoſſeſs us, alledging that thoſe Lands were antecedent-

ly

ly granted to them by the Government of *New-Hampſhire*, and that they would keep Poſſeſſion of them 'till his Majeſty's Pleaſure was further known. Then they ordered our Goods and Effects to be taken out of the Houſes, that none of them ſhould be hurt, which was done; and then they demoliſhed and burned the Houſes, which were made with large Logs, but nothing of our Houſhold Goods were burned. Next Day they pulled down a Griſt-Mill of ſaid *Reid*'s, and there was a ſmall Stack of Hay burned; which they ſaid accidentally took Fire; and that if they could find out that any of their Men put Fire to it, they ſhould pay for the Hay; for, they ſaid, they did not approve that any of the Effects of the Earth ſhould be deſtroyed. Their Horſes likewiſe deſtroyed ſome of the Wheat and Corn, but they did not otherways abuſe our Perſons, Effects or Families; neither did they exclaim againſt governmental Authority, but conſtantly affirmed that they would maintain their Property, and defend it from the Incurſion of Col. *Reid*, or any other Claims from *New-York*, until his Majeſty's Pleaſure ſhould be further known. And further we the Deponents ſay not.

Sworn before me at *Crown-Point*, 17th March, 1774.

THOMAS SPARHAM, Juſtice Peace.

THE Deponent, *Joſeph Pangbun*, jun. ſaith, That in the Month of Auguſt, 1766 or 7, Col. *Reid* accompanied by *Adolphus Benzel*, and ſeveral Others, did come to *Otter Creek*, to the Dwelling Place of him, the ſaid *Joſeph Pangbun*, where the ſaid Deponent had lately built a Saw-Mill, and forcibly did diſpoſſeſs

diſpoſſeſs the ſaid Deponent, and by Force did put the ſaid Col. *Reid* in Poſſeſſion of the ſaid Saw-Mill, together with a large Quantity of Logs and ſaw'd Boards, which he the ſaid Col. *Reid* did convert to his own Uſe, to the utter Undoing of the Deponent, and that he the ſaid Deponent, was kept out of his Poſſeſſion ſix Years, or upwards, when he recovered his Poſſeſſion, but was in a ſhort Time by the ſaid Col. *Reid*, again diſpoſſeſſed, and reduced to the laſt Extremity. That the ſaid Deponent had a legal Right to the Saw-Mill and Land; they were *his own Proper Eſtate*, as granted and given, by Charter to a certain Number of Proprietors, by his Majeſty's Governor, his Excellency, *Benning Wentworth*, then Governor of his Majeſty's Province of *New-Hampſhire*.

WHEREAS I the ſaid Deponent, have made Application to all his Majeſty's Juſtices of the Peace at *Crown-Point*, and cou'd not obtain an Affidavit of the above Circumſtances, I the ſaidDeponent do, in Preſents of the ſubſcribing Witneſſes, aver the above to be the Truth, the whole Truth, and nothing but the Truth. *So help me God.*

JOSEPH PANGBUN, jun.

Phineas Spalding,
John McAlpine,
William Patterſon.

SECTION

SECTION VIII.

Our Authors in the Twenty Seventh and finiſhing Page of their Narrative, diſcover great Invention and Subtilty, who after giving an Account of the unfortunate Circumſtances of the Town of *Hinſdale* which has, ſay they, "been "taken up by a Royal Mandamus." This Townſhip had firſt been granted by the Government of the *Maſſachuſetts Bay*, and upon the Settlement of the Boundary-Line between the *Maſſachuſetts* and *New-Hampſhire* in 1739, it fell within the latter, and by them granted, and fully ratified to the Inhabitants and Proprietors, who in Addition to their Title, had alſo the Indian Right. This Townſhip, by the Determination of the Boundary Line between *New-York* and *New-Hampſhire*, fell within the Juriſdiction of the former, and was by them granted to Col. *Howard*, after it had been ſettled about Seventy Years. The Aſſembly of *New-York* in Order to ſcreen their Government from the Imputation of the Blame juſtly due to ſo reprehenſible a Conduct, endeavour to palm it on the Government at Home, ſee Page Sixth, with Reſpect to "*Hinſdale*, a Townſhip in the South "Eaſt Corner of *Cumberland* County: Even this is "not to be aſcribed to our Government, it pro-"ceeded from a much greater, and the higheſt "Authority: A Mandamus was produced from "the Crown, on the Report of the Board of "Trade, and by the Advice of the Privy Coun-"cil, which veſted the Grantee with a Right of "Election, an Act deciſive in itſelf, and ſuper-

ceding

" ceding the Agency of the Governor and Coun-
" cil here, and the uſual Forms." A very Extraordinary Repreſentation! The Nature of a Royal Mandamus is diametrically oppoſite to this Interpretation: The Right of Election in the Grantees, is reſtricted entirely to Crown Lands which are unapropriated; in ſuch Lands, the Grantee has a Right of Election, and common Senſe may teach, that neither a Mandamus or any other Crown Grant can ſubvert the Property which the Subject holds under the Crown by Prior Grants; and, though there be ever ſo many Alterations in the Juriſdiction, ſundry of which have perplexed the Town of *Hinſdale*, yet this ſhould have no Effect on the Property of the Subjects.---- Theſe Grantees are likewiſe withheld from interfereing on the Right of the Indian Subjects.---- Yet, it ſeems Col. *Howard* had the Vanity to locate his Mandamus on the old Plantation of *Hinſdale*, which was firſtly appropriated by a Purchaſe from the *Indians*, ſecondly, by a Grant from the Government of the *Maſſachuſetts Bay*, and thirdly, by the Government of *New-Hampſhire*, and fourthly, by an uninterupted Poſſeſſion and Occupancy about Seventy Years.

The Subterfuge the Gentlemen make Uſe of, to rid their Government from Diſhonour, in making this laſt Grant of *Hinſdale*, is very extraordinary; it ſeems not well calculated " to be " tranſmitted for the Information of the Govern-" ment at *Home!*" who are undoubtedly competent Judges of their own Mandamus's, and no Doubt

Doubt will eaſily diſcern their Laſt Error to be worſe than the Firſt. Such prepoſterous granting of Lands, is Criminally injurious to the Subject, as it never fails to embarraſs the different Claimants with many concomitant Difficulties. Yet, ſtill to caſt the Blame due to their Government, on the King's Mandamus, is more daringly injurious to the higheſt Authority in the Nation.

LASTLY, the manner of Redreſs preſcribed for the Sufferers, viz. the old Proprietors of *Hinſdale*, is the moſt ſhocking Piece of Contrivance, Page 27, "*Hinſdale*, a ſmall Townſhip which has lately been taken up by Virtue of a Royal "Mandamus, is alone unfortunate----but even "here the Poſſeſſors may be relieved, by a ſuitable Compenſation, equal to the Value of their "Improvements in Crown Lands, free from the Expence of Fees." Theſe Gentlemen in their great Clemency have alſo conceded that the *New-Hampſhire* Settlers in general may be thus conſidered, "On the ſame Terms, may be aſſigned to each of "thoſe who are ſeated on the Soil, actually appropriated to others by the Government of "*New-York*, and the Poſſeſſions of which cannot for that Reaſon be confirmed; ſuch a Proportion of Crown Lands, as the Governor and "Council ſhall judge to be adequate to their reſpective Improvements."

THEN they proceed to deſcribe the Tract, "A "Fertile and extenſive Country, in the north-

"ern

" ern Part of the County of *Charlotte*, and be-
" tween *Connecticut* River and Lake *Cham-*
" *plain*, ſtill remains unpatented by either Go-
" vernment; and might be planted and culti-
" vated by theſe People;"----What a ſurpriſing Condeſcention this! the Poſterity of the Original Proprietors of *Hinſdale*, eſpecially, to be allowed the Privilege to pull up Sakes, quit their Farms and Poſſeſſions, Houſes, Orchards, &c. and join Company with the *New-Hampſhire* Settlers in general, and trudge off to the North-Eaſt Part of the Wilderneſs of *Charlotte*, and there commence another Settlement, leaving their pleaſant Habitations, Fields, Tenements, and Country, in Exchange for a howling Wilderneſs; a pretty Exchange!----and this to gratify a number of *New-York* Cormorants. But, let's ſtop a little and conſider-----whether it would not be more Righteous to change the Scene, and ſo the *New-York* Patentees remove their Patents, that interfere with the *New-Hampſhire* Grants, and lay them in the Wilderneſs of *Charlotte*, as neither Government have appropriated it.

A ſufficient Reaſon to be offered in favour of the latter of theſe Projects, is, that the Settlers under *New-Hampſhire*, are in Deed, and in Truth the right and lawful Owners and Proprietors of the Lands they poſſeſs, as, 'tis apprehended, has been fully demonſtrated in the preceding Sections. Although theſe Gentlemen have, in the Courſe of their Narration, flung out very extraordinary Hints of rewarding his Majeſty's Soldiery,

diery, by the Diſtribution of thoſe Lands, yet, they may here again be reminded, (which may further ſerve as the above Reaſon) that his Majeſty's Proclamation directed the Soldiery to make their Pitches on unappropriated and vacant Lands; this therefore, they muſt do, at the Hazard of loſing their Grants, or repitching. For thoſe Lands which being antecedently granted by the Crown, by the Agency of the Governor and Council of *New-Hampſhire*, muſt forever exclude the Soldiery from pitching thereon; and put it entirely out of the Power of the Government of *New-York*, or the Crown, to grant them to a Second Perſon. And when it is conſidered, that the *New-York* Land-Jobbers have, long ſince purchaſed great Part of the Soldiery Rights, and that for a mere Trifle, and laid them out of themſelves, at their own Riſque; their Arguments on that Subject, cannot contribute greatly to the Removal of the *New-Hampſhire* Settlers, to the exterior Part of *Charlotte*.

Our Authors have given a tedious Hiſtory of the Suits at Law, which have been commenced, by the *New-York* Patentees, againſt the Claimants, and Occupants under *New-Hampſhire*, and have exhibited many ſpecious Appearances of Fairneſs, Equity, and Impartiality in their Tryals. However, the Reader muſt obſerve, that in every of thoſe, ſo boaſted of, candid Tryals, the Defendants, by the Reſult, were to be diſpoſſeſſed of their Farms. They then continue to tell of the entire Satisfaction of the Vanquiſhed, (toge-

ther with ſuch of the *New-Hampſhire* Claimants as attended the Courts) relative to the Validity of the *New-York* Title.----Soon after this, they give a ſurpriſing Account of Riots and Outrages, committed by theſe Settlers, and mention *Allen* by Name, (who they ſay, but a little before was ſo fully perſuaded of the Validity of the *New-York* Title) as one of their Leaders. This Narrative is in itſelf incredible, it cannot be ſuppoſed, that Men who were convinced, they had had an impartial Tryal at Law, and of the Inſufficiency of their own Title, and the Authenticity of that of their Opponents; would rally to arm, in Defiance of legal Authority, and in Defence of their own invalid Title; eſpecially, after they had publickly declared their own Sentiments concerning that Matter.

THIS Aſſembly ſeem profuſely laviſh in the Praiſe of their own Government, concerning the Generoſity, Forbearance and Humanity, &c. they have exerciſed towards the *New-Hampſhire* Settlers; and that nothing of that Sort may here paſs unnoticed, but that every Act, by them done, worthy of ſuch Appellations, may be duly acknowledged; it will be freely confeſſed that Governor *Tryon*, and the Majority of his Majeſty's Council, conducted with Honour and Humanity toward them; while his Excellency was in the Adminiſtration, except in paſſing ſome very extraordinary Laws on the 9th of March, 1774, which may be ſeen in the fore Part of this Treatiſe, under the Head of the Narrative: But thoſe Settlers muſt have that

Charity

Charity for his Excellency, as to conclude he would not have put his Sanction to thoſe Laws, had he not known the ſaid Settlers called the *Green Mountain-Boys* to be very expert with Fire-Arms and likewiſe very good Woodſers; and conſequently, that the *New-York* Land-jobbers cou'd not put theſe Laws in Execution. To view this Matter in any other Light, they would be obliged to diſtruſt the Fidelity of their worthy Friend Governor *Tryon*. But to return to the Subject of Generoſity. The Aſſembly of *New-York* are unwiſe to make ſo great a Buſtle about this Matter, inaſmuch as they have ſpoiled the Joke themſelves, by their ſo infamous a Propoſal of Accommodation, which as has been before obſerved, is, that the *New-Hampſhire* Settlers remove to the Wilderneſs of *Charlotte*, in Order to gratify a certain Fraternity with the Country they have with much Toil and Expence ſubdued: We have a very beautiful Repreſentation of this *New-York* Beneficence by a wiſe Author, " the tender Mercies of the Wicked are " Cruelty."----Now follows another Quotation from our Authors, which is no leſs than a barefaced Inſult on thoſe Inhabitants, and one of the boldeſt of Miſrepreſentations. " If the *New-Hampſhire* " Claimants imagined that they were aggrieved by " the Deciſions of our Judges, the Means of Re- " dreſs were in their own Power; and they ought " to have ſued their Writs of Error, and in the " legal and ordinary Mode, to have referred their " Cauſe to the final Sentence of his Majeſty: But " to expect a Remedy incompatible with the Ad- " miniſtration of Juſtice, and the Rights of the

Subject

" Subject, either beſpeak the greateſt Ignorance,
" or Preſumption."

Could they once get this eſtabliſhed, that there ſhould be no Acceſs to his Majeſty, or Trial, but in this " ordinary Mode," it would no doubt, be to their entire Satisfaction; Tryals in that Government would then eaſily become deciſive; for in no Caſe, wherein the Demand of the Plaintiff is below the Sum of Five Hundred Pounds, a Writ of Error in Favour of the Defendant can iſſue. And the *New-York* Attornies who compiled the *New-York* Statings, and are alſo Patentees under that Government, well knew that every Action brought againſt the *New-Hampſhire* Claimants has been deſignedly laid below that Sum. Yet they were poſſeſſed of that extreme Boldneſs to aver in expreſs Terms, that, " if the " *New-Hampſhire* Claimants imagined, that they " were aggrieved, by the Deciſions of *their* " Judges, their Means of Redreſs were in their " own Power." *i. e.* by Way of a Writ of Error.

There is nothing exhibited in this *New-York* Pamphlet which more ſenſibly deſerves Reſentment than their Pretenſions of Indulgencies, Favours, &c. conferred on theſe Claimants by that Government----" To the Honor of the Government of " *New-York*, it may juſtly be aſſerted, that the " *New-Hampſhire* Claimants have received every " Mark of Favour and Indulgence which the Cir- " cumſtances permitted." Such Hypocriſy de-

baſes

baſes Human Nature, is the Peſt of Society, partakes of Falſhood and Treachery; and what renders it peculiarly vile, is, that it uſurps the Seat of Virtue, and deſtroys Faith in Communities, and is the Source of cruel Jealouſy. Had the Government of *New-York* been truly friendly to thoſe Settlers, it had been return'd again; and mutual Good Will ſupplied the Place of Hatred an Strife. But, alas! ſo long as the Fee of the Country of the *New Hampſhire* Grants is the Object in View, by the Government of *New-York*, how it is poſſible for Peace and good Order to take Place, can't well be conceived. Well would it be for that Government, and infinitely better for the Settlers under *New-Hampſhire*, were they annexed to ſome other Government; but they ſay, No. Quere, Why? The Anſwer is eaſy. They would then looſe Sight of the aforeſaid deſirable Object: Otherwiſe, ſurely they would be glad to part with ſuch rebellious Subjects as they repreſent them to be. For the Truth no Doubt is, that they are in Hopes ſome better Fortune may in future, attend them. And that they can take and execute ſome of the leading Men among theſe Inhabitants; and ſo frighten and impoſe on the Reſt; and finally, by this Means, avail themſelves of their Eſtates and Property. This is all they can deſire in continuing this Country under their Juriſdiction. That they have in Reality a View to this, will further appear, by ſome memorable Sentences recorded in the 25th Page of their Appendix. "We may," ſay they, "readily conceive, that *Breakenridge*, "and his Party, have abundant Reaſon to wiſh

"for

" for an Alteration of Juriſdiction. The public " Crimes, and private Wrongs which they have " perpetrated, muſt make them look forward to the " Hour of Tranquility, with the moſt anxious " Apprehenſions. The injured may then demand " Satisfaction for all their Sufferings.-----An A- " tonement muſt then be made to the Country, " for the Violation of it's Laws." Here the *New-Hampſhire* Settlers may read their intended Doom, in Conſequence of the Ability of the Government of *New-York*. And one Reaſon why this Government have not already deſtroyed the Inhabitants of the *New-Hampſhire* Grants, with Fire and Sword, is their Want of Ability; and this Inability, in great Part, conſiſts in this, that the common People in the Government, are univerſally of Opinion that the Inhabitants have a good Right to thoſe Lands, and ſhould not be moleſted in the peaceable Enjoyment of them; and conſequently will not aſſiſt their Civil Officers, in taking Poſſeſſion of their Tenements, or them as Rioters. That they are no further turbulent than what is neceſſary to defend their Perſons and Properties, from the Cruelty and Monopoly of their Rulers. This is the Ground of all the Lenity, Forbearance and Indulgence of that Government towards thoſe Inhabitants; and it is hoped, if theſe exceſſive Favours ſhould be paſſed over without their Thanks, they may yet be excuſed for the Neglect.

FURTHERMORE, thoſe Gentlemen, after having thus ſpun out their in-fulcible Complaints, crown the Whole in Page 25th, " That they, i. e. the " *New-*

" *New-Hampſhire* Settlers, may in Nothing act out " of Character, they have appointed *James Breakenridge*, (whom we have ſo often mentioned) a " Fugitive from Juſtice, and who has rendered " himſelf ſo obnoxious as to become the immedi- " ate Subject of a Proclamation-----as one of their " Agents." What a monſtrous Crime is here !--- Has Mr. *Breakenridge* rendered himſelf obnoxious to Puniſhment in the Government of *New-York* ? O ſtrange ! Such a *pacific* Government too !---But what has he done ? He has never, (notwithſtanding all their Inſinuations) been active in any Riots (as they term them) occaſioned by this Controverſy ; but is become the Subject of a Proclamation---yet ſtill, what Evil has he done ? As thoſe Gentlemen have not obliged the Public with an Information, the Author can ſupply their Defect. This Gentleman was one of the firſt Settlers on the *New-Hampſhire* Grants ; and has had a great Share in the political Œconomy of that Country, is a Man of Probity and Stedfaſtneſs in Principle, and bleſſed with ſtrong Power of Ponderation, and has gained, as well as merited the Eſteem of theſe Settlers. He was by them choſen as Agent to repreſent their diſtreſſed Cauſe to the Right Honourable the Earl of *Dartmouth*, Preſident of the Board of Trade, and alſo, to implore his Majeſty to interpoſe his Royal Authority, and relieve his oppreſſed Subjects.----He approached his Lordſhip, with a Repreſentation of the Conduct of the Government of *New-York*, towards his Conſtituents, and ſollicited his Lordſhip's Aid and Aſſiſtance, in Behalf of the Sufferers. He was received with Expreſſions of Kindneſs,

and

and when he had laid the Facts of the Cauſe before his Lordſhip, and ſubſtituted an Agent at *London*, and put the Cauſe in Readineſs for a final Tryal, before his Majeſty in Privy Council, returned to *America*; having done all Things to the great Satisfaction of his Employers.------Since his Return from Great-Britain, he has made his Abode at his own Houſe in *Bennington*, (which is not within Seventeen Miles of *Hudſon*'s River,) although "a Fugitive from Juſtice,"----- making further Preparations for the deciſive Trial depending before his Majeſty, and comforting the Inhabitants, with the Hopes of his moſt gracious Deliverance. Theſe are the Things which have ſo exaſperated the Government of *New-York*, againſt this good and worthy Man.

As the Deſign of this Section was, in a conciſe Manner, to point out ſome of the moſt notorious Extravagancies of the Government of *New-York*, the Subject can't with Propriety be paſſed over, without taking a ſhort Review of the forementioned Laws of that Colony, which are the moſt apparent Portraiture of their horrid Malevolence and Caprice. Paſſing theſe Laws, which are evidently calculated with a Deſign of extirpating the Inhabitants, by them Laws alluded to, from their goodly Land, nay, from the Face of the Earth; is no leſs than laviſhly foaming out their own Shame; Laws that ought, and are contemned and diſregarded by every Lover of Virtue. Laws and Society-Compacts were originally deſigned to protect the Subjects in their Property. Loyalty and Subordination to

ſuch

ſuch Government, is eſſentially neceſſary, for the Good of Society, and all good and liege Subjects will ſupport ſuch Laws and Legiſlators. But, as in the preſent Inſtance, when Laws, in their original Deſign and Adminiſtration, are degenerated from the good Ends for which Laws and Government were inſtituted, terminating in the Ruin and Deſtruction of the Society it ſhould ſecure & protect; from the ſame Principles, viz. Self-preſervation, the Subjects are obliged to reſiſt and depoſe ſuch Government. And, inaſmuch as thoſe Laws, together with ſome Remarks on them, are to be ſeen in the Narrative Part of this Performance, ſhall therefore conclude, with leaving the Reader, from his own Meditations, to paſs ſuch Sentence concerning this Matter as may appear reaſonable.

SECTION IX.

It may be of ſome Moment, towards the Cloſe of this Treatiſe, to exhibit a Number of ſpecial Motives which induced thoſe Inhabitants to proſecute Settlements on the controverted Premiſes. As,

First, On the good Faith of his Majeſty's Grants, by the Agency of the Government of *New-Hampſhire*, the Validity of which has been ſufficiently argued. And,

Secondly, by Engagement from a Proclamation by his late Excellency *Benning Wentworth*, which, for the more public Information, is here inſerted.

By His Excellency,

BENNING WENTWORTH, Eſq; Captain-General, Governor and Commander in Chief of His Majeſty's Province of *New-Hampſhire*, in *New-England*, &c.

A PROCLAMATION.

WHEREAS his Honor, Cadwallader Colden, *Eſq; Lieutenant-Governor, and Commander in Chief of his Majeſty's Province of* New-York, *hath lately iſſued a Proclamation, of a very extraordinary Nature, ſetting forth, that King* Charles *the Second, on the 12th Day of March*, 1663-4, *and the 29th June*, 1674, *did, by his ſeveral Letters Patent, of thoſe Dates, grant in Fee to his Brother, the Duke of York, among other Things, all the Land from the Weſt Side of* Connecticut *River to the Eaſt Side of Delaware Bay; and therein alſo ſet forth, and deſcribes the Bounds of* New-Hampſhire; *in which Diſcription there is a very material Miſtake; beſides, there is omitted the Fact, on which the Diſcription of* New-Hampſhire *depended, viz. His Majeſty's Determination of the North and Weſtern Boundaries of the Province of the* Maſſachuſetts-Bay, *in* 1739. *And nothing can be more evident, than that* New-Hampſhire *may legally extend her Weſtern Boundary as far as the* Maſſachuſetts *Claim reaches, and ſhe claims no more; but* New-York *pretend to claim even to the Banks of* Connecticut *River, although ſhe never laid out and ſettled one Town in that Part of his Majeſty's Lands, ſince ſhe exiſted as a Government.*

When New-York *Government extends her Eaſtern Boundary, to the Banks of* Connecticut *River, between* New-York *and the Colony of* Connecticut; *and*

to

to the Banks of ſaid River, between New-York *and the Province of the* Maſſachuſetts-Bay, *it would have been full early for* New-York *to declare that the Government of* New-Hampſhire *was fully appriſed of the Right of* New-York, *under the before recited Letters Patent to the Duke of* York. *In Virtue of the final Determination of the Boundary Lines ſettled by his late Majeſty, between this Government and the* Maſſachuſetts-Bay, *all the Lands capable of Settlements, have been erected into Townſhips, agreeable to his Majeſty's Commands, and a conſiderable Revenue is daily ariſing to the Crown, unleſs interrupted and impaired by his Honor's Proclamation, which* New-Hampſhire *will not be anſwerable for.*

At preſent, the Boundaries of New-York, *to the Northward, are unknown, and as ſoon as it ſhall be his Majeſty's Pleaſure to determine them,* New-Hampſhire *will pay ready and chearful Obedience thereunto, not doubting but that all Grants made by* New-Hampſhire, *that are fulfilled by the Grantees, will be confirmed to them, if it ſhould be his Majeſty's Pleaſure to alter the Juriſdiction.*

For political Reaſons, the Claim to Juriſdiction by New-York, *might have been deferred, as well as the ſtrict Injunction on the Civil Power, to exerciſe Juriſdiction in their reſpective Functions, as far as the Eaſtern Banks of* Connecticut *River.*

The ſaid Proclamation carrying an Air of Government in it, may poſſibly affect and retard the Settlement of his Majeſty's Lands, granted by this Government: For preventing an Injury to the Crown, of this Kind, and

to

to remove all Doubts that may arise to Persons holding the King's Grants, they may be assured, that the Patent to the Duke of York is obsolete, and cannot convey any certain Boundary to New-York, *that can be claimed as a Boundary, as plainly appears by the several Boundary Lines of the* Jersies *on the West, and the Colony of* Connecticut *on the East, which are set forth in the Proclamation, as Part only of the Land included in the said Patent to the Duke of* York.

To the End therefore, that the Grantees now settled and settling on those Lands, under his late and present Majesty's Charters, may not be intimidated, or any Way hindered or obstructed in the Improvement of the Lands so granted, as well as to ascertain the Right, and maintain the Jurisdiction of His Majesty's Government of New-Hampshire, *as far Westward as to include the Grants made:*

I HAVE thought fit, by and with the Advice of of His Majesty's Council, to issue this Proclamation, hereby encouraging the several Grantees, claiming under this Government, to be industrious in clearing and cultivating their Lands, agreeable to their respective Grants.

And I do hereby require and command all Civil Officers, within this Province, of what Quality soever, as well those that are not, as those that are Inhabitants on the said Lands, to continue and be diligent in exercising Jurisdiction in their respective Offices, as far Westward as Grants of Land have been made by this Government; and

and to deal with any Perſon or Perſons, that may preſume to interrupt the Inhabitants or Settlers on ſaid Lands, as to Law and Juſtice doth appertain, the pretended Right of Juriſdiction mentioned in the aforeſaid Proclamation notwithſtanding.

Given at the Council-Chamber in Portſmouth, *the 13th Day of March, 1764, and in the Fourth Year of His Majeſty's Reign.*

B. WENTWORTH.

By His Excellency's Command,
with Advice of Council,
T. ATKINSON, jun. *Secretary.*

GOD SAVE THE KING.

A THIRD and weighty Inducement to the Settlement of thoſe Lands, was argued from his Majeſty's expreſs Order, prohibiting the Government of *New-York* from Granting any of thoſe Lands in Diſpute, which is as follows.

At a Court at St. James's, the Twenty Fourth Day of July, 1767.

PRESENT,

The King's moſt excellent Majeſty.

Archbiſhop of *Canterbury*,
Lord Chancellor,
Duke of *Queenſborough*,
Duke of *Ancaſter*,
Lord Chamberlain,
Earl of *Litchfield*,
Earl of *Briſtol*,
Earl of *Shelborne*,
Viſcount *Falmouth*,
Viſcount *Barrington*,
Viſcount Clarke,
Biſhop of *London*,
Mr. Secretary Conway,
Hans Stanley, Eſq;

" His

" His Majeſty taking the ſaid Report" *i. e.* a Report of the Board of Trade,-----" into Conſi-" deration, was pleaſed with the Advice of his " Privy Council, to approve thereof, and doth " hereby ſtrictly charge, require and command, " that the Governor or Commander in Chief of " his Majeſty's Province of *New-York*, for the " Time being, do not, upon Pain of his Majeſty's " higheſt Diſpleaſure, preſume to make any Grant " whatſoever, of any Part of the Lands deſcribed " in the ſaid Report, until his Majeſty's further " Pleaſure ſhall be known concerning the ſame.

A true Copy, WILLIAM SHARP.

Atteſt GEO. BANYAR, Dep. Secr.

A FOURTH, and laſt ſpecial Motive for the carrying on, and extending thoſe Settlements, was from a Report of the Lords of Trade, as follows,

EXTRACT from a Report of the Lords of Trade, to the Committee of his Majeſty's moſt Honourable Privy Council, for Plantation Affairs, dated December 3d, 1772.

" UPON the fulleſt Examination into all the " Circumſtances which at preſent conſtitute the " State of that Diſtrict between the Rivers *Hud-* " *ſon*, and *Connecticut*; out of which, the great-" eſt Diſorders and Confuſion have ariſen: It " ſeemeth to us, that the principal Objects of At-" tention in the Conſideration of any Meaſures

" that

" that can be ſuggeſted for reſtoring public Tran-
" quility, and quieting Poſſeſſions, are,

" FIRST, Thoſe Townſhips, which having been
" originally ſettled and eſtabliſhed under Grants
" from the Government of the *Maſſachuſetts Bay*,
" fell within this Diſtrict, by the Determination
" of the Northern Boundary of that Province, in
" the Year 1740.

" SECONDLY, Thoſe Grants of Land, made
" within this Diſtrict, by the Government of
" *New-York*, previous to the eſtabliſhment of the
" Townſhips laid out by the Governor of *New-*
" *Hampſhire*, after the Concluſion of the Peace;
" and which Land now lies within the Limits of
" ſome One or Other of thoſe Townſhips.

" THIRDLY, Thoſe Townſhips, which having
" been originally laid out by the Governor of
" *New-Hampſhire*, either continue in the ſame
" State, or have been confirmed by Grants from
" *New-York*, and alſo, thoſe which have ſince o-
" riginated under Grants from the Latter of thoſe
" Colonies.

" WITH Regard to thoſe Townſhips which fall
" under the Firſt of the abovementioned Deſcrip-
" tions; when we conſider their Nature and Ori-
" gin, and the numberleſs Difficulties to which
" the original Proprietors of them muſt have been
" ſubjected in the Settlement of Lands expoſed to
" the Incurſions of the Savages, and to every Diſ-

" treſs

" treſs which the Neighbourhood of the French
" in Time of War cou'd bring upon them; and,
" when we add to theſe Conſiderations, the great
" Reaſon there is to believe that the Grants were
" made upon the Ground of Military Services a-
" gainſt the Enemy; we do not heſitate to Sub-
" mit to your Lordſhips our Opinion, that the
" preſent Proprietors of theſe Townſhips, ought,
" both in Juſtice and Equity, to be quieted in
" their Poſſeſſions: And, that all Grants whatſo-
" ever, made by the Gover ment of *New-York*, of
" any Lands within the Limits of thoſe Town-
" ſhips, whether the Degree of Improvement un-
" der the original Grant had been more or leſs;
" are, in every Light which they can be viewed,
" oppreſſive and unjuſt: But as we are ſenſible
" that ſuch ſubſequent Grants made by the Go-
" vernment of *New-York*, however unwarrantable,
" cannot be ſet aſide by any Authority from his
" Majeſty, in Caſe the Grantees ſhall inſiſt on their
" Title; we ſubmit to your Lordſhips, whether
" it might not be expedient, in Order to quiet the
" the original Proprietors in their Poſſeſſions, to
" propoſe that all ſuch Perſons who may Claim
" Poſſeſſion of Lands within the Limits of ſuch
" Townſhips under *New-York* Grants, ſhould up-
" on Condition of their quiting ſuch Claim, receive
" a Grant under the Seal of *New-York* upon the
" like Terms, and free of all Expences, of an e-
" qual Number of Acres in ſome other Part of
" the Diſtrict lying between the Rivers *Hudſon*
" and *Connecticut*; and in Caſe where any actual
" Settlement or Improvement has been made

" by

" by ſuch Claimants, that they ſhould in ſuch " Caſe, receive Fifty Acres of waſte Land for e- " very Three Acres, they may have improved.

" With Regard to thoſe Grants made by the " Government of *New-York*, which fall within the " Second Deſcription, and upon which any actual " Improvement has been made; they do appear " to us to deſerve the ſame Conſideration; and " that the Proprietors thereof ought not to be " diſturbed in their Poſſeſſions, whether that Im- " provement be to a greater or leſſer Extent: But " we beg Leave to obſerve to your Lordſhips, that " in both theſe Caſes no Conſideration ought to be " had to any Claim, where it ſhall appear that no " regular Poſſeſſion has ever been taken, and no " actual Settlement ever been made.

" With Regard to thoſe Townſhips which fall " within the laſt mentioned Deſcription, we ſub- " mit to your Lordſhips our Opinion, That pro- " vided ſuch Townſhips do not include Lands " within the Limits of ſome antecedent Grant, " upon which actual Improvement has at any " Time been made, it would be adviſeable they " ſhould be confirmed as Townſhips, according " to the Limits expreſſed in the Grants thereof; " and that all Perſons having Poſſeſſion of any " Shares in the ſaid Townſhips, either as original " Grantees, or by Purchaſe or Conveyance, and " upon which Shares any actual Improvement or " Settlement has been made, ought not in Juſtice " to have been, or to be in Future, diſturbed in

" the Poſſeſſion of ſuch Shares; nor ought they
" to be bound to any other Conditions, whether of
" Quit-rent or otherwiſe, than what is contained
" in the Grant."

THESE Inducements are indiſputably Authoritative, and need no Commentation: Yet notwithſtanding the Priority and Preferance of the *New-Hampſhire* Title to that of *New-York*, and the ſo many corroberating and concomitant Inducements to the Claimants under the former, to ſettle and cultivate thoſe Lands; yet the Aſſembly of *New-York*, in ſundry Parts of their State of the Right, &c. and more particularly through the Appendix, treat thoſe Inhabitants, merely on Account of ſuch Settlement, with the moſt extreme Injury; who, inſtead of arguing, only declaim againſt them, and go on in a Gradation of Conſequences drawn from falſe Premiſes, till they have dragged them from their true Character of honeſt Men, to that of Uſurpers, Rioters, and Felons. Although the Quotations from our Authors have already been lengthy, yet that a Precedent of their Injuſtice may not here be wanted, the following, from the third Page of their Appendix is inſerted.

" But though the ſame Principles have been
" explained, and enforced in ſeveral Acts and
" Proclamations of Government, as well as on re-
" peated Trials in our Courts of Judicatory, they
" have left no ſuitable Impreſſion on the contenti-
" ous Claimants under *New-Hampſhire*. On the
" Contrary, in Contempt of the Dictates of Juſtice
" the Deciſions of Law, and the civil Authority,

have

" have their Encroachments, which were few in " Number at the Time of the royal Determinati- " on, been increaſed and extended in a tenfold " Proportion; and that in general by Men, " who cannot plead that they were deceived or ig- " norant of the Nature or Merit of their Claim; " which it appears, were too notorious to have eſ- " caped their Obſervation, but who in ſpite of e- " very Warning and Remonſtrance to deter them, " which human Prudence could deviſe, engaged " as Volunteers on the Side of *New-Hampſhire*, and " wilfully plunged themſelves into the Controver- " ſy. To extenuate their own Indiſcretion & Miſcon- " duct, Calumny & Miſrepreſentation are their on- " ly Reſource; and accordingly without the leaſt " Reaſon, they charge the Government of *New-York* " with Partiality, and every Land-holder under it, " upon whom they have treſpaſſed, with Injuſtice & " Oppreſſion; aſſerting, that becauſe they have " ſanctified their Claim by a wrongful Poſſeſſion, " they ought peacebly to enjoy the Fruits of their U- " ſurpation. To fortify their Pretentions they have " ſpared no Art or Act of Violence, however " Criminal; and after all, as if they were really " injured, and the Objects of Regard, they do not " heſitate to carry their Complaints to the Throne, " and by ſpecial Agents to ſolicit ſome extraordi- " nary Act of Favour, by which their Offences " may be paſſed over with Impunity, and their " Encroachments perpetuated in Prejudice to " thoſe who enjoy a clear Title from the Crown, " under the Great Seal of *New-York*."

As

As this clamorous Quotation is already moſtly anſwered, ſhall only remark, as to thoſe Settlers extending their Encroachments in a ten-fold Proportion, ſince the Royal Determination. It hath been fully evinced that this Determination reſpected Juriſdiction only, and the before recited Royal Order and Report of the Board of Trade, were accounted ſufficient to exclude all manner of Doubts in the Minds of the *New-Hampſhire* Claimants of the Validity of their Title. They truly cannot plead that "they were deceived or ignorant of "the Nature or Merit of their Claim." This Matter was elucidated by the higheſt Wiſdom and Authority in the Nation; they rejoice in the Clemency of their Sovereign, and in the Wiſdom and impartial Juſtice of the Honourable Board of Trade, exhibited as aforeſaid, upon which Encouragement thoſe Claimants have greatly extended Settlements on thoſe Lands, in a more ſpecial Manner on Onion River, and Lake Champlain, between the Townſhip of Panton, which a-buts on the Lake oppoſite *Crown-Point*, and the ſaid River, and North of it almoſt to the Forty-fifth Degree of North Latitude, and preparations are vigorouſly making to extend theſe Settlements to the very Bounds of the Province of *Quebec*. It is ſeldom any new Country Settles with ſuch Rapidity, notwithſtanding the Oppoſitions they meet with from the Government of *New-York*: The Expence of clearing Roads, building Mills, Moving to and ſettling in that Wilderneſs Country only for Two Years laſt paſt, would amount to no very inconſiderable Sum. And thoſe Settlers from the foregoing

going Reaſons, do not in the leaſt heſitate, but that they in ſo fulfilling the Conditions of their Charters, have and are acting agreeable to his Majeſty's Will and Pleaſure; and that thoſe Labours will not only be for their own Emolument, but for the Enlargement of the Britiſh Empire, and Addition of the Crown Revenue.

The Aſſembly of *New-York* have been very particular in their Hiſtory of the Tumults and Riots made by thoſe Settlers, in Oppoſition to that Government, (many of which Facts muſt be confeſſed to be true) though they have carefully omitted their manyfold Provocations, yet, with all their Particularity have given but a very imperfect Idea of thoſe Tranſactions. I ſhall here, therefore, waving particulars, give a general Review of the Œconomy of thoſe Settlers in their Oppoſitions to that Government. For defending their Properties, they were indicted Rioters, the next Thing was to defend Rioters; then they had two Objects as the Subjects of their Protection, viz. their Perſons, as well as Property: They were at Firſt greatly intimidated at the empty Appearance of Law, that their Opponents were ſo converſant with, ſometimes deſpairing of maintaining their Poſſeſſions; yet upon Extremity, rather than quit their Subſtance to the inſatiable Raviſhers, would rally and fruſtrate their Deſigns: Thus, when the Sheriff of the County of *Albany* with his poſſe came to diſpoſſeſs ſome of them, they moſt generally, boldly took up Arms, and appointed Leaders. Matters having come to this, not long after

after, the Inhabitants aſſembled and appointed Committees of Safety in the ſeveral Towns throughout their Settlement; this general Committee have the conducting of the Public Affairs of the Country for its Security, 'till his Majeſty ſettles the Controverſy. They have erected ſeveral Companies, which by the Votes of the Soldiers are furniſhed with Officers; theſe Companies form a Regiment which are known by the ſignificant Character of GREEN-MOUNTAIN BOYS, who are generally in the Prime of Life, well verſed in the Uſe of Fire-Arms, and of robuſt Conſtitutions; probably no American Regiment in an interior Defence could excel them, or that would willingly contribute more to the Support of the Crown of *Great-Britain*; for it is obſervable, that ſuch Subjects that will not fight for their Property, will never fight for their King: And, the general Inſtructions from the Committee, ever have been, not to act in any thing againſt the Government of *New-York*, but on the Defenſive.

IT is in the Nature of Things impoſſible to paſs a right Judgment on the Conduct of the *New-Hampſhire* Settlers, without taking into View the Treatment of the Government of *New-York* towards them. All Caſes muſt be determined upon the peculiar Circumſtances attending; no Act can ſcarcely be conceived of which, under certain attending Circumſtances might not be lawful. It will be readily admitted on the Part of thoſe Settlers, that, provided the Government of *New-York*, and its Patentees have a clear and inconteſtible Right to

thoſe

thoſe Lands; and that they are Intruders, and by Force and Violence have maintained ſuch Encroachments, then, they are truly guilty, in manner as the Aſſembly of *New-York* have alledged: But on the Contrary, if thoſe Settlers have a legal and inconteſtible Right to thoſe Lands, that they proſecute Settlement on the good Faith of that Title, and the ſundry Approbations of both their Title and Settlement from the Britiſh Adminiſtration, then, they are not guilty in Manner as thoſe Gentlemen have declared; and the impartial Public, inſtead of viewing them as Uſurpers, Rioters and Felons, will juſtify them in their Conduct, and eſteem them as good Members of Society, leige Subjects to the Crown of *Great-Britain*, and good Soldiers for defending their Perſons and Properties.

THUS, is humbly ſubmitted the State of the Controverſy, which has for many Years ſubſiſted between the Government of *New-York* and the Settlers under *New-Hampſhire*; by impartial Juſtice muſt every Act ſtand or fall; if thoſe Settlers are in the wrong, they are criminally ſo, but if not, then the Allegations of their Opponents will be adjudged as futile and cruel.

INTRODUCTION,

TO THE

APPENDIX.

WHEREAS the French *Government of* Canada *have made ſundry Grants of ſome of the moſt valuable Part of thoſe Lands in Diſpute, between the Government of* New-York *and the Claimants under* New-Hampſhire *on the Eaſterly Side of Lake* Champlain, *and even to the Southward of* Crown-Point. *And whereas the General Aſſembly of the Colony of* New-York, *in their State of the Rights of that Colony, ſo far as concerns the* French *Grants aforeſaid, have very ingeniouſly confuted the* French *Claim to thoſe Lands; ſhall therefore ſubjoin it as an Appendix to this Treatiſe, in aſmuch as the ſame Arguments equally Support the* New-Hampſhire *Claim againſt that of the French, as they do that of* New-York.---*There were ſeveral Reaſons which induced the Author to make Uſe of this Appendix.*

Firſtly, *Becauſe he is not acquainted with many of the Hiſtorical Facts, on which the Arguments therein Contained are founded.* *And,*

Secondly, *From the Conſideration that he cannot Argue ſo well.* *And a Third and ſpecial Reaſon is,*

Becauſe he is credibly informed that the Gentlemen Land-ſchemers of New-York have altered their Plan of Operation, and have at an inconſiderable Price, purchaſed the greateſt Part of the French *Claim to corobarate their own ſubſequent Patents, and by that Means to avail themſelves of an antecedent Claim to that of* New-Hampſhire; *and that their preſent Scheme is to be ſilent at the Court at* Great-Britain, *with Reſpect to their Claim under* New-York, *and carry on the Diſpute in the Name of the* French *Barons, hopeing by this Stratagem to procure to themſelves the Fee of thoſe Lands which the* French *Grants cover; and fruſtrate and Diſpoſſeſs the Claimants and Settlers under* New-Hampſhire, *which are ſeated on the Lands the* French *Grants include, to the Number of about Three Hundred Families, and on which there is not a ſingle Settler under either the* French *or* New-York *Claim. And inaſmuch, as the Chain of Arguments predicated on undeniable Facts, and exhibited in the following Appendix, of which this is an Introduction, are abundantly ſufficient to invalidate the* French *Claim, the Author therefore takes a peculiar Pleaſure in turning the Artillery of the Aſſembly of* New-York *againſt themſelves, in full Confidence that, that Aſſembly cannot, by Reaſon and Argument, gainſay what they have thus exhibited with the Help of any* French *Cunning whatſoever. And provided the Aſſembly of* New-York *had publiſhed the following Appendix, with a friendly Deſign towards the* New-Hampſhire *Settlers; that Aſſembly would have merited their grateful Acknowledgements; but though their Deſign at that Time was to defeat the* French *Claim to eſtabliſh their* New-York *Patents, nevertheleſs it ſeems a good Providence hath made Uſe of the learned Abilities and evil*

Inten-

Intenſions of the Gentlemen of that Aſſembly, which thoſe Settlers dreaded as their greateſt temporary Evil to be conducive to their greateſt temporary Good.

Altho' the Arguments contained in the Appendix, to be hereafter inſerted, are full and compleat againſt the French *Claim, they are nevereheleſs ſomewhat incumbered with meer imaginary Notions, relative to the prodigious and antient Northern Extention of the Colony of* New-York, *even to the River* St. Lawrence. *They indeed aſcertain and vindicate the Right of the Crown of England to thoſe Lands, and then on fictitious Principles aſſume the Right of that Colony to be co-extenſive with that of the Crown. Now the Reader will with a little Attention, diſcern that Arguments relative to the* French *claim, do not at all depend on the aforementioned Extention of the Right of the colony of* New-York, *or of any of his Majeſty's colonies: Meerly the Right of the crown to that Extention of Territory is abundantly ſufficient to nullify and make void the* French *claim. Undoubtedly thoſe Lands granted by the* French *Government of* Canada, *adjoining to Lake* Champlain *were crown Lands when uſurped and granted by the* French, *and continued ſo to be till it was granted by his Majeſty's* Engliſh *Government of* New-Hampſhire. *But of this enough has been already animadverted. The Diſpute between* New-York *and* New-Hampſhire *is committed to the Publick conſideration. What remains in this Introduction to the Appendix is only to point out to the Reader that ſuch Part of the Arguments, or rather Repreſentations, therein contained as aſſume a colony Right to thoſe Lands, are foreign to the Point in Iſſue, in the Diſpute of the French claim; the ſame may be ſaid, provided*

vided the Government of New-Hampſhire *aſſume a particular colony Right of their's to the ſame Premiſes. Such Arguments may truly affect the colonies of* New-York *and* New-Hampſhire, *but by no Means affect the Iſſue in Diſpute relative to the French claim, inaſmuch as the Right of the Crown of England to thoſe Lands precludes the French claim intirely. Therefore ſuch colony Arguments as may be found interſperſed in the following Appendix are only Digreſſions from the Point in Iſſue, but cannot any Way affect the Arguments which centre in that ſingle Point. Thoſe Digreſſions are alſo virtually anſwered in the foregoing Diſcourſe.*

APPENDIX,

Tranſcribed from the Aſſembly of *New-York's* State, &c. Verbatim.

A STATE

Of the Rights of the Colony of *New-York*, ſo far as concerns the Grants formerly made by the *French* Goverment of *Canada*, of Lands on *Lake Champlain*, and at and to the Southward of *Crown-Point*.

THE Whole intermediate Coaſt between *Martha's Vineyard* and the firſt Settlements in *Virginia*, remained entirely unknown 'till *Hudſon's* Diſcovery in 1609, when it began to be minutely explored, and the Bays, Rivers, Iſlands, and Creeks, diſtinguiſhed by Name.

Hudſon's River was again viſited in 1610, and the following Years, by *Dutch* Ships, with a Grant under the States General for an excluſive Trade; and the Coloy which they denominated *Nieuw Nederlant*, advanced with ſuch Rapidity, that in 1612 they had a Town and Fort in *New-Amſterdam*, now *New-York*; and in 1615, another Town and Fort at *Aurania*, now *Albany* 160 Miles up *Hudſon's* River.

In 1623, they erected Fort *Good Hope*, on *Connecticut* River, and upwards of Thirty-five Miles from its Mouth. Near to this ancient Fortreſs the Town of *Hartford* has ſince been built under *Connecticut*, but it is indiſputable that the *Dutch* actually enjoyed the excluſive Poſſeſſion, Trade, and

and Advantage of the whole River, long before it had been approached by any *Engliſh* Subject; and that they claimed and conſidered all the Country to the Weſtward of *Connecticut* River, and as *far* Northward as the River St. *Laurence*, as Part of their Colony of *Nieuw Nederlandt**.

In 1663-4, King *Charles* the Second, granted to his Brother *James*, Duke of *York*, the Diſtrict of Country comprehending *New-York* and *New-Jerſey*, which were Territories poſſeſſed by the *Dutch*.

In that Year the *Dutch* were ſubdued by an Armament from *England*. By the Articles of Capitulation, the Rights and Eſtates of all the Inhabitants were ſecured to them.

In 1673, the Country was again ſurrendered to a *Dutch* Fleet, but in 1674, by Treaty between the two Nations, the *Dutch* ceded all their Claim to this Country, to the Crown of *England*.

In the ſame Year King *Charles* the Second, to remove all Doubts which might have ariſen concerning the Validity of his firſt Grant to the Duke, on Account of the intermediate Conqueſt by the *Dutch*, confirmed the ſame Territories to his Royal Highneſs

* See *Ogilvy*'s America, publiſhed in 1671, and the Map at Page 168, Sect. *Nieuw Nederlant*; where this Country is called *Nova Belgica*, five *Nieuw Nederlant*; and the River itſelf is called *Rio St. Laurence*, De groute Rivier Van Nieuw Nederlant.

See alſo *Blaeu*'s America, Vol. xi. publiſhed at *Amſterdam* in 1662, and his Map inſcribed *Nova Belgica*, et *Anglia Nova*.

Highneſs by a new Grant. There can be no Diſpute but that by the Words of the Duke's Grant, the Province of *New-York* was to have an Eaſtern Extent to *Connecticut* River. That River takes it's Riſe to the Northward of the 45th Degree of North Latitude, and conſequently beyond the Boundary lately eſtabliſhed between *New-York* and *Quebec*, by his Majeſty's Royal Proclamation of the 7th Day of *October* 1763.

On this Principle we have always claimed, under the Royal Grant, as the juſt and ancient Right of this Province, All the Country which lies to the South of Weſt Line drawn from the Head of *Connecticut* River; except ſo far as it interferes with the Colony of *Connecticut*, with which a Settlement was made in 1683, by Commiſſaries of both Provinces, under mutual Acts of Legiſlature, and which was confirmed by King *William*.

But we have a further Title to the Country as far Northward as the South Side of the River *St. Lawrence*.

The *Dutch* on their firſt Eſtabliſhment here, made a Treaty of Peace and Alliance with the Five Nations, called by the *French* the *Iroquois*. Theſe warlike Tribes were the Conquerors and Maſters of a great Part of *North-America*, holding all the Natives in Subjection, from the River *St. Lawrence* down to *Georgia*.

When the *Engliſh* became poſſeſſed of *New-York*, they alſo made an Alliance with the Five Nations, who

who afterwards, in the moſt expreſs Terms, ſubjected themſelves to the Crown of *England*, under the Government of *New-York*; and however wild and untractable, were always treated as Subjects by this Government.

The Country as far Northward as the River *St. Lawrence*, and Weſtward without any known Limits, was their undoubted Property*; this Government has conſequently conſidered it as Part of the Province of *New-York*.---The Lands on the Weſt Side of *Connecticut* River by a double Title, ---the Grant to the Duke of *York*, which expreſsly includes it, and the Right acquired by the Subjection of the native Proprietors.

The

* That the Country as far North as the River *St. Lawrence*, belonged to the *Iroquois*, or Five Nations, is proved by all the ancient Maps and Hiſtories. In the Map inſcribed *Nova Belgica*, et *Anglia Nova*, publiſhed in xi Vol. Geographiæ Blavianæ, in 1662, *Lake Champlain* is called *Lacus Irocoienſis*, and the Country on the Eaſt Side of the Lake is called *Irocoiſia*.

In *Johannes Van Keulen's* Atlas, publiſhed at *Amſterdam* in 1720, the River *St. Lawrence* is called *Rio des Iroquais ou de St. Lawrence*, and the Country on the South of that River and Weſt of *Lake Champlain*, *Iroquais*, and the Lake itſelf *Lac Champlain ou mere de Iroquois*.

Ogilby in his America, ſays one of the great Lakes is called the Lake of *Iroquois*, which together with a River of the ſame Name (*Sorrel* by the *French*) falls into the River of *Canada*. He adds, that the *French* having, in early Times, ſided with the *Algonquins*, againſt the *Iroquois*, have been ſo hated by them ever ſince, that none of them durſt ever appear again in any Part of the Lake. *Ogilby* 166.

The Five Nations formerly lived near the Place where *Montreal* now ſtands. In 1672 the *French* Governor Monſieur *De Frontenac*, perſuaded them to allow him to build a Fort on the North Side of *Cadaraqui* Lake, under Pretence of a Store for Merchandize. *Colden's* Hiſtory Five Nations, Page 21, 24.

THE Crown, by a Participation in numberleſs Acts of Government, has juſtified our Right and Juriſdiction over theſe Countries. And it is remarkable that no ſingle Commiſſion, Inſtruction, or Act, either of our own or from Home, 'till the late Proclamation, had the leaſt Tendency to alter or infringe ſuch Juriſdiction; but it ſolely reſted on the Baſis we have mentioned.

THAT the Crown conſidered the Five Nations, and their Country, to be under it's Subjection, † and that the *French* could have no Claim to either, is manifeſt from the fifteenth Article of the Treaty of *Utrecht*, ‡ confirmed by that of *Aix-La-Chapelle*; ſtipulating that the Subjects of *France*, Inhabitants of *Canada*, and elſewhere, ſhall not diſturb or moleſt in any Manner whatever, the Five *Indian* Nations, *which are ſubject to Great-Britain*, nor its other American Allies. And that it was well underſtood both by the Crowns of *Great-Britain* and *France*, that the *Engliſh* Right and Claim did extend as far Northward as the South Part of the River *St. Lawrence*, including the Lakes which diſcharge themſelves into that River, clearly appears from the ſeveral Propoſals and Conferences of the Ambaſſador from the Court of *Verſailles*, with the Britiſh Miniſtry in 1756, on the Subject of a Suſpenſion of Hoſtilities, and a Convention for the amicable Termination of the Differences between the two Crowns; at the Cloſe

† That the Five Nations became Subjects of *England*, and put themſelves under it's Protection, appears from many of their Treaties.---Vide *Colden's* Hiſtory, Page 53, 54, 62, 80, 139.

‡ The Treaty of *Utrecht* 11th *April*, 1713.

of which *France* demanded, as a previous Condition, that his Britannick Majeſty ſhould deſiſt from three Points, which made a principal Part of the Subject in Diſpute; the firſt of which was "The "South Part of the River St. Lawrence, and the "Lakes that diſcharge themſelves into that Ri-"ver." ‖ The Refutation and Rejection of this extraordinary Claim, occaſioned the ſudden Departure of the *French* Ambaſſador, and the Declaration of War, which followed ſoon after.

THIS Government has given the moſt ſolid and authentic Proofs both of Poſſeſſion and Juriſdiction, which the Subject could admit of, and nothing but the dangerous Neighbourhood of *Canada*, and their Intrigueswith the Savages,(which often deluged this Frontier Part of the Province in Blood) has prevented it's actual Cultivation and Improvement.

So long ago as 1696, a Grant paſſed the Great Seal of this Province to *Godfrey Dellius*, for a Tract of Country extending from the North Bounds of *Saraghtoga*, (which lies on *Hudſon's* River thirty four Miles North of the City of *Albany*) to the Rock *Roſian*, a Station indiſputable, and which is well known to lie on *Lake Champlain* upwards of twenty Miles to the North of *Crown-Point*; and extending twelve Miles Eaſt from *Hudſon's* River, and the ſame Diſtance Eaſt from the Wood-Creek, and the Waters to the Northward. Nor ought it be unobſerved, that ſuch was the Value and Importance of this Tract of Country, even at that early Day,

‖ Vide *Entic's* Hiſtory of the late War, Page 228. War was not proclaimed by *England* 'till the 18th of *May*, 1756.

Day, that the Legiſlature conceived the Grant of it to be too great a Favour to one Subject, and paſſed a Law in the Year 1699, repealing it as extravagant.¶

FORMERLY, and before the Year 1731, we had a Trading-Houſe at Crown-Point, where our Traders occaſionally reſided; for it was not 'till that Year that the Canadians, in profound Peace, invaded this frontier Part of the Province, and erected Fort *St. Frederick* at Crown-Point, which has been the Occaſion of an almoſt uninterrupted Series of Contention and Bloodſhed. As it ſecured them the abſolute Command of the Lakes, and facilitated their In-roads not only into this but the neighbouring Colonies of the *Maſſachuſett's-Bay* and *New-Hampſhire*, nothing could be more alarming; and no ſooner was it communicated than our Houſe of Aſſembly, in order to obtain Relief, and the King's Directions, addreſſed the Commander in Chief to repreſent to his Majeſty or his Miniſters, theſe Encroachments, and the fatal Conſequences they muſt be attended with.*

A COMPLAINT was accordingly tranſmitted to Sir *Robert Walpole*, but it made ſo little Impreſſion on that Miniſter, that our Government was left without the leaſt Direction from their Superiors; and conceiving an attempt to oppoſe or diſlodge the *French* (which probably muſt have drawn upon them

¶ Laws of *New-York*, 1 Vol. Page 35.

* Journal of the General Aſſembly of *New-York* Vol. 1, Page 632.---Alſo Minutes of the Privy Council of *New-York*, in 1731.

them the whole Power of Canada) to be too hazardous an Undertaking, without the Authority or Aſſiſtance of the Crown, this important Paſs was left in the Hands of our Enemies.

But tho' we were at that Time unable to do ourſelves Juſtice, it was not only the Opinion of this, but of all the neighbouring Colonies, that the Erection of the Fort at Crown-Point was a dangerous Encroachment; and that the common Intereſt demanded that proper Meaſures ſhou'd be adopted to ſecure the Colonies againſt the Miſchiefs to which it expoſed them.

Accordingly in 1755, and before the Declaration of War, this Colony, in Conjunction with the *Maſſachuſett's-Bay* and Connecticut, formed a Plan for erecting one or more Forts on his Majeſty's Lands at or nigh Crown-Point, and the Troops were raiſed accordingly,‡ but War being ſoon proclaimed, our Operations became more extenſive.

In ſhort, on the Principle that it was unqueſtionably a Part of the Britiſh Dominions within this Colony, the Government both at home and here, have ever conſidered the Occupancy of Crown Point by the *French*, as a perfidious and dangerous Encroachment, which in Effect was one of the principal Cauſes of both of the laſt Wars. Theſe Remarks juſtify an Inference of the utmoſt Moment in the preſent Controverſy, *to wit*, That as it was an ancient Right of this Colony, coeval with it's

‡ Journal of the General Aſſembly of *New-York*, 2 Vol. Page 440.

it's firſt Plantation by *Engliſh* Subjects, to extend even further Northward than the Latitude of 45 Degrees, to which it is now reſtricted, his Majeſty's Proclamation, inſtead of enlarging our Limits, (as has been underſtood by ſome, who have not conſidered the Subject, and pretended by others whoſe Intereſt it is to miſrepreſent) does in Fact conſiderably abridge it, operating as a Confirmation of our original Title up to the Line it eſtabliſhes; and as an Extinction of Juriſdiction beyond it *(to wit)* over the Lands between that Latitude and the Head of Connecticut River, or more properly the River *St. Lawrence*, our old Boundary.

It is true that ſince the Year 1731, the *French* by maintaining Forts and ſtrong Garriſons at Crown-Point, Tieonderoga, &c. have deprived us of the Enjoyment of the Country to the Northward of *Albany*; nor was it poſſible to extend our Plantations, perpetually expoſed to the Ravages of a moſt cruel Enemy, 'till on the Approach of Sir *Jeffery Amherſt*, with the Engliſh Army in 1759, the *French* abandoned both their Forts and their Settlements.---Theſe laſt were very few in Number, and all of them in the Neighbourhood of Crown Point and Tieonderoga; which having been intended by the *French* as Places of Arms, to annoy and diſtreſs this Colony the more effectually, no Cultivation had taken place but for the meer Conveniency of their Garriſons. Sir *Jeffery Amherſt* apprehenſive of the bad Conſequences of Canadian Settlements on the Banks of Lake Champlain,

pro-

prohibited them, nor have they to this Moment been re-eſtabliſhed.

The Capitulation granted by the *Engliſh* General to the Inhabitants of Canada, on the Conqueſt in 1760, ſtipulates, "*That the* French, *in the whole* "*Extent of the colony of* Canada, *ſhall preſerve the* "*entire Poſſeſſion and Property of their Goods, noble* "*and ignoble, moveable and immoveable*; *and ſhall* "*have Liberty to keep, let, and ſell them, as well to* "French *as to the* Engliſh."

By the firſt Article of the definitive Treaty of Peace between *Great-Britain*, *France*, and *Spain*, in 1763, "*His moſt Chriſtian Majeſty cedes and guaran-* "*tees to* Great-Britain, Canada *and all its Dependen-* "*cies.*" His Britannick Majeſty, on his Side, agrees, "*That the* French *Inhabitants of* Canada "*may retire with all Safety and Freedom, wherever* "*they ſhall think proper, and may ſell their Eſtates, pro-* "*vided it be to the Subjects of his Baitannick Majeſty,* "*&c. The Term limited for this Emigration ſhall be* "*fixed to the Space of eighteen Months, to be computed* "*from the Day of the Exchange of the Ratification of* "*the preſent Treaty.*"

Nothing ſeems more obvious than that the Security given to the Canadians, both by the Capitulation and the Treaty, was confined to the Limits of the Colony of Canada; nor any Thing more abſurd, than to ſuppoſe it ſhould extend to a Part of the Country which the *French* had perfidiouſly uſurped, and which they had only within the Compaſs of a few Years granted to the Canadians, to further their Encroachments. The

THE Government of *New-York* therefore, independent of his Majesty's late Establishment of our Boundary with *Canada*, could not but consider all the Country on both Sides of Lake Champlain, as unquestionably within it's just and ancient Limits and Jurisdiction.

THAT the Canadian Grants can never be justified by a meer Encroachment, nor derive Stability or Confirmation either from the Capitulation or the Treaty, was not only the Opinion here, but also of his Majesty and his Ministers.

IN Pursuance of the Proclamation of the 7th Day of October, 1763, Sir *Henry Moore*, and Col. *Carleton*, the Governors of the two Provinces, in the Month of September 1767, fixed the Place of the Latitude of 45 Degrees, by actual Observation, near the North End of the Lake. On the 12th Day of August 1768, his Majesty was pleased to declare his Approbation in Privy Council, and to direct in favour of his new Canadian Subjects, "*That nothing in the Order of that Date contained, "should affect the Property of such as had Possessions "under proper Titles in Lands on the South Side of the "Line, the Dominion of which was not disputed on the "Part of the crown of* Great-Britain; *and that the "said Determination should not operate wholly to de-"prive them of such concessions on the South Side of the "said Line whereon they had made actual Settlements "and Improvements, altho' the said Line might have "been disputed by the crown of* Great-Britain, *but "proportioned to their Improvements at the Rate of*

fifty

" *fifty Acres for every three that were improved; pro-*
" *vided that Grants ſhould be ſued out under the Seal*
" *of* New-York, *ſubject to the uſual Quit-Rents, and*
" *that a Grant to one Perſon ſhould not exceed* 20,000
" *Acres.*

Lord *Hillſborough*, in a Letter to Sir *Henry Moore* our late Governor, on this Subject, of the 25th of *February* 1768, expreſſes himſelf as follows. " *Your*
" *Letter to Lord* Shelbourne, *No.* 5, *which relates to*
" *the claim of his Majeſty's American Subjects, to*
" *Lands on that Part of* Lake-Champlain *which is*
" *now a Part of the Colony of* New-York, *has been*
" *referred to the Lords of Trade, and their Lordſhips*
" *having made a Report to his Majeſty thereupon, it is*
" *his Majeſty's Reſolution, upon the fulleſt Conſidera-*
" *on, not to allow any Claims made upon the Ground of*
" *ancient Grants from the Government of* Canada, *is*
" *Lands which were never acknowledged to belong of*
" *Right to the Crown of* France.

" *His Majeſty has a moſt tender Regard to the Rights of his new Subjects, and is deſirous of giving every proper Teſtimony of his Attention to their Intereſt and Welfare, and therefore it is his Majeſty's Pleaſure, that they ſhould not be diſturbed in the peaceable Poſſeſſion of any Tracts ſo circumſtanced,* WHICH THEY HAVE ACTUALLY SETTLED AND IMPROVED; *provided they conſent to eſtabliſh their Titles under the Seal of the Province of* New-York, *upon the uſual Conditions of Quit-Rents and Improvements.*"

Conformable to theſe Sentiments, a Royal Mandamus, directed to the Governor of *New-York*,

on

actually iſſued upon the Report of the Board of Trade, and by the Advice of the Privy Council, on the 11th Day of *January* 1769, requiring him to lay out for, and grant to *Charles De Fredenburgh*, Eſq; in one contiguous Tract, 30,000 Acres of Land; which is expreſsly deſcribed in the ſaid Royal Order or Mandamus, to lie on the Weſt Side of *Lake-Champlain*; beginning from a certain Point oppoſite to the Iſland *Valcour*, including *Sarenac* River, on both the Banks, as far as the Highwaterfall, the Land, Beech and Creek; and including alſo, the whole Point of *Cumberland* Bay, commonly *Squinanton* or *Cumberland Head*.

This Tract is likewiſe laid down on the Map, and actually includes a great Part of two of the Seigniories which are the Object of this Diſpute. *

The Title of this Province, in Right of the Crown, to all the Country to the Southward of the River *St. Lawrence*, ('till his Majeſty's Proclamation, and ſince that Act, to the Southward of the 45th Degree of Latitude) being thus clearly eſtabliſhed, it cannot be wondered at that after the Peace was reſtored, our Government proceeded to the Grant and Settlement of the Lands to the Southward of this laſt Boundary, without the leaſt Scruple.

His Majeſty having been pleaſed by his Royal Proclamation of the 7th Day of *October* 1763, to aſſign to the reduced Officers and diſbanded Soldiers, who had ſerved him ſo glorioufly in *America*, each a Quantity of Land for their more comfortable Sub-

 ſiſtence,

* See Map No. 1

fifference, and as a Reward for their Service; and having left to them *the Right of Election*, out of any Part of the different Colonies which remained veſted in the Crown, they in general applied to this Government for Patents, locating their ſeveral Lots along the Eaſt and Weſt Sides of *Lake Champlain*, on the *Wood Creek*, and at and to the Southward of *Crown Point*.

THERE were ſeveral Reaſons which induced them to fix, and the Government to grant, in this Part of the Country.

It had been the Scene of War, and they were well acquainted with it. They ſeemed to have a peculiar Right to be provided for, out of the immediate Fruits of their Victories; and above all, the reſt of the Province which remained unappropriated, belonged to the Native Occupants, and could not be patented without a previous Purchaſe from them: A Condition with which moſt of the Officers, and all the Soldiers, were unable to comply. Under theſe Circumſtances they were chiefly gratified by Grants of the Lands firſt mentioned, and the Country adjoining to the Southward and Eaſtward, after being put to great Trouble and Expence in the Diſcovery and actual Survey of their reſpective Allotments. Many Grants have alſo been made to the Inhabitants of the Colony in the ſame Diſtrict, which, as far as they concern this Controverſy, are laid down in the annexed Map.*

THE Canadian Grants cover a great Part of the Country

* See Map No. 1

Country along both Sides of *Lake Champlain*, not only to *Crown Point* but ſeveral Miles to the Southward. They include the Whole, or chief Part of antient Grant to *Deliſle*; which has ſince been parcelled out among the Military. They are numerous, large in Extent, but unattended (except in very few Inſtances) with the leaſt Improvement or Poſſeſſion.

THEY all originated at, and ſince the Time of the *French* Encroachments at *Crown-Point* in 1731, and ſeveral of them are ſo late as the Years 1757, and 1758: A Period when we were actually at War with *France*, concerning theſe very Lands!

THE Number and Extent of theſe Grants, and how deſtructive it muſt prove to the Rights of the King's Military Subjects, as well as to others, to give them the leaſt Countenance, will be ſeen by a View of the annexed Map and the Notes which accompany it.[*]

ON this Subject we are furniſhed with two Petitions, the one preſented to his Majeſty by ſeveral Perſons whoſe names do not appear in the Copy; the other to the Lords of Trade, by Monſieur *De Labadie*.

THE Merits of theſe Petitions are founded, 1ſt. On an Aſſertion that the Lands in queſtion lie within the ancient Bounds of *Canada* as *peaceably* poſſeſſed for many Years by the *French*, and have only been *added* to the Colony of *New-York* by the King's

[*] Map No. 2.

King's Proclamation. 2d. On the Article of the Capitulation and Treaty of Peace before taken notice of. 3d. On the *actual Improvements and Poſſeſſion* of the Petitioners or their Grantors. 4th. On their having, in many Caſes, paid the Governor of *Quebec*, the Quint or fifth Part of the original Purchaſe Money of their reſpective Seigniories, and done Faith and Homage, and having been put in full Seiſen in the King's Name. - 5th. On the Hardſhip of their having been turned out of Poſſeſſion, by Titles granted under *New-York*, and being further threatened with the ſame Diſtreſs.

We have anticipated the three firſt of theſe Aſſertions. 1ſt. *Crown-Point*, nor any of the Lands Southward of the River *St. Lawrence*, were ever a Part of *Canada*, but rightfully belonged to the King of *Great-Britain*, as within his Province of *New-York*, and as the Country of the Five Nations his Subjects; nor were they ever in the *peaceable* Poſſeſſion of the *French*. They were invaded in Time of profound Peace, with an armed Power. they were held by the ſame unjuſtifiable Means. They were the Source of perpetual Contention and Bloodſhed between the Provinces of *Canada* and *New-York*. They were a chief Occaſion of two bloody Wars between the Nations. Can this be called *a Title or a peaceable Poſſeſſion?* 2d. We have ſhewn that neither the Articles of Capitulation, nor the Treaty, can ſerve the Purpoſe of the Claimants. The Capitulation can only apply to what the *French* had a Right to, and not to what they had unjuſtifiably ſeized; and as to the Clauſe of

the

the Treaty, it only gives leave to the *French* Subjects to ſell their Eſtates in *Canada*, but does not confirm or concern *diſputable*, and much leſs *tortious and fraudulent Grants*, founded in Breach of Faith; nor can it create a Right which had no prior Exiſtence. Beſides, this is a Point which the Crown has already ſolemnly determined, and it is preſumed there can be little danger of the Change of a Reſolution grounded on the cleareſt Dictates of Reaſon and Juſtice. 3d. As to the third Particular, actual Poſſeſſions and Improvements by the Canadian Claimants and their Grantors, it is denied that any ſuch (worthy of Conſideration) have ever been made.

Crown-Point was a Place of Arms, and ſo was *Ticonderoga*. Theſe important Paſſes the *French* forfeited to facilitate their Hoſtilities againſt *New-York*, and not for the Sake of Cultivation; accordingly on the Conqueſt of the Country, few *French* Improvements were found, and thoſe within a narrow Compaſs about the Forts, and for the Conveniency of their Garriſons. With theſe inconſiderable Exceptions, the Country was a deſolate Wilderneſs all along on both Sides of the Lake. 4th. As to the Payment of the Quint or fifth of the original Purchaſe Money of their reſpective Seigniories, and their having been put into full Seiſen in the King's Name; the Canadian Claimants have pointed out no Inſtances. We may however, venture to affirm that this Aſſertion, if it relates to the Lands on the South Part of *Lake-Champlain*, cannot be ſupported; nor, with reſpect to the reſt,

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not only be premature but inconclusive, for we suppose *a mere exparte Order of the Crown* cannot determine the Title. The Royal Interposition wou'd be very consistent if the Lands had remained unpatented; but here the Crown in every View hath parted with it's Right.---If the Canadian Principle is just, to them, by the Capitulation and Treaty; ---If it is insupportable, then to the *New-York* Grantees under the Great Seal of this Province.

But admitting that the Order of the Crown would be decisive,---that this is an extraordinary Case, which ought not to move or depend upon the nice Principles of Law,---and that the Rules of Equity and Policy ought alone to be consulted. This Issue, we conceive, must be equally favourable to the Military Grantees, under *New-York*.

1st. With respect to the Merits of the different Claimants, the *French* Subjects received their Grants from their Prince, for their Services in an unjust Encroachment upon the British Crown; and in Violation of our original Rights, and of the Treaty of *Utrecht*. The Military, who hold under *New-York*, received their Titles by virtue of his Majesty's Proclamation, and as a Recompence for their Valour, in defence of his just and ancient Dominions. To reward the Aggressors at the Expence of the King's faithful Subjects, seems inconsistent with every Idea of Justice. But it is conceived the Honour of the Crown is engaged to support the Military Grants under *New-York*.

For, 2dly. It would bespeak a Language very dif-

different from the Proclamation, and prove, inſtead of a Reward, a ſevere Puniſhment to People who have deſerved ſo much, if his Majeſty, after a Settlement of the Limits between the two Colonies,---after ſo fully ſignifying that it was his Royal Intention to give no Confirmation to theſe Canadian Claims,---after all the Trouble and Expence they have been put to in obtaining their Surveys, and maintaining their Grants, and ſettling and cultivating their Lands,---ſhould now by any Order, queſtion or impeach their Validity; and which muſt involve them in the utmoſt Perplexity and Diſtreſs.

3dly. To confirm Claims, derived under the Authority of *France*, to the Southward of the River *St. Lawrence*, would hold up to the World a ſtrange Picture of the Juſtice and Equity of the Britiſh Court. After engaging in two bloody Wars, and particularly the laſt in Reſentment of ſuch flagrant Encroachments, ſhould it now be admitted that *Canada* extended as it's Advocates alledge, what would be the Inference? Muſt it not neceſſarily follow, that the Occupancy of the Lakes, *Crown Point*, *Ticonderoga*, &c. was no Invaſion or Act of Hoſtility, but the Exertion of a rightful Sovereignty? And conſequently, that we were the Aggreſſors in thoſe Wars, and not the *French*; for nothing leſs could be implied in the Confirmations ſollicited.

4thly. *Lake Champlain* and *Lake George*, open a moſt important Communication, and may be juſtly called a Key to the Northern Britiſh Colonies.

However humbled in the Courſe of a War, which has crowned *Great Britain* with unexampled Succeſs, it is natural to think the *French* of *Canada* will long look with an affectionate Eye towards their former Prince. The Canadian Barons in particular, loſe a flattering Weight and Diſtinction; while under the Dominion of the *Engliſh*, they are ſunk into mere Commons. Their Language, their Laws, and their Manners, but above all, their Religion, muſt for an Age to come, forbid a cordial Attachment to our Government. They may not be without Hopes that the Fortune of War, between two powerful and rival Nations, may one Day give *France* ſuch an Aſcendency as to reduce us to the Neceſſity of reſtoring *Canada*.

From this View, it muſt be very impolitic to ſuffer the *French*, altho' now our Fellow Subjects, to ſettle on thoſe Lakes, ſince it will give them the fulleſt Opportunity of aſſiſting their Countrymen in invading and diſtreſſing this and the neighbouring Colonies, and eſtabliſhing a Footing, on the firſt Rupture, in the Heart of our Country. On the other Hand, if the fertile Lands ſurrounding the Lakes, were peopled with the King's natural born Subjects, this Danger, which ought not needleſsly to be deſpiſed, would be avoided; it's ill Conſequences be prevented, and the Canadians themſelves, even if they ſhould be inclined to revolt, would be over awed into Subjection.

But this is not all.---If ever *Canada* ſhould be the Subject of a Ceſſion to *France*, what were her ancient Bounds muſt become a neceſſary Queſtion? Her original Grants to the Canadians, ſupported by

by the Confirmation of the King of *Great-Britain*, would be conſidered as irreſiſtible Evidence of ancient Right; and thus not only *Lake Champlain* but *Lake George*, which are both interſperſed with theſe Grants, would fall again into the Hands of *France*. The Poſſibility of an Altercation of this Nature, will be wholly removed by conſidering the Claims of the Canadians to the Lands on thoſe Lakes, as unworthy of Attention.

UPON the Whole, viewing this Subject in every Light, upon the Principles of original Right,---Treaty and Ceſſion,---Law and Juſtice,---Equity and Policy, it is conceived that the Military and other Grants under the Seal of this Province, ought not to be impeached; and that the Canadian Claims, extravagant in themſelves, and deſtitute of all Foundation, ought to be rejected.

By Order of the General Aſſembly,

JOHN CRUGER, Speaker.

E R R A T A.

PAGE 4, Line 1. for *and* read *in*. P. 21. L. 14. for *on* r. *in*. P. 63. L. 28. for *of* r. *by*. P. 82. L. 16. add the Word *of* and in the next Line the Word *granting*. P. 99. L. 4. for *ſecond* r. *ſaid*. P. 100. L. 9. add the Word *River*. P. 102. L. 6. add the Words *it includes* at the beginning of the Line. P. 111. L. 18. add the word *then*. P. 112. L. 17. for *pay* r. *way*. P. 147 and 148. for *Malcomb* r. *Macomb*.